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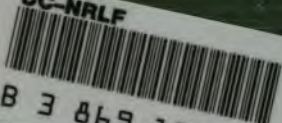
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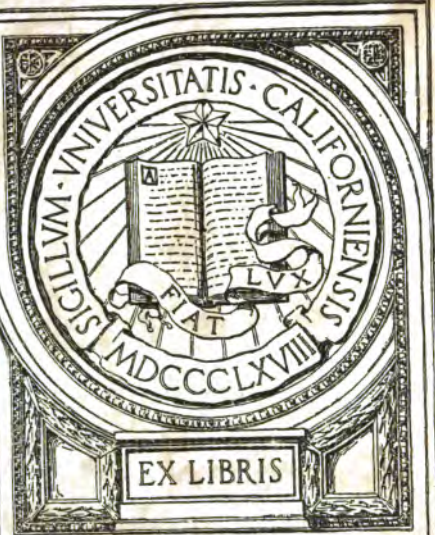
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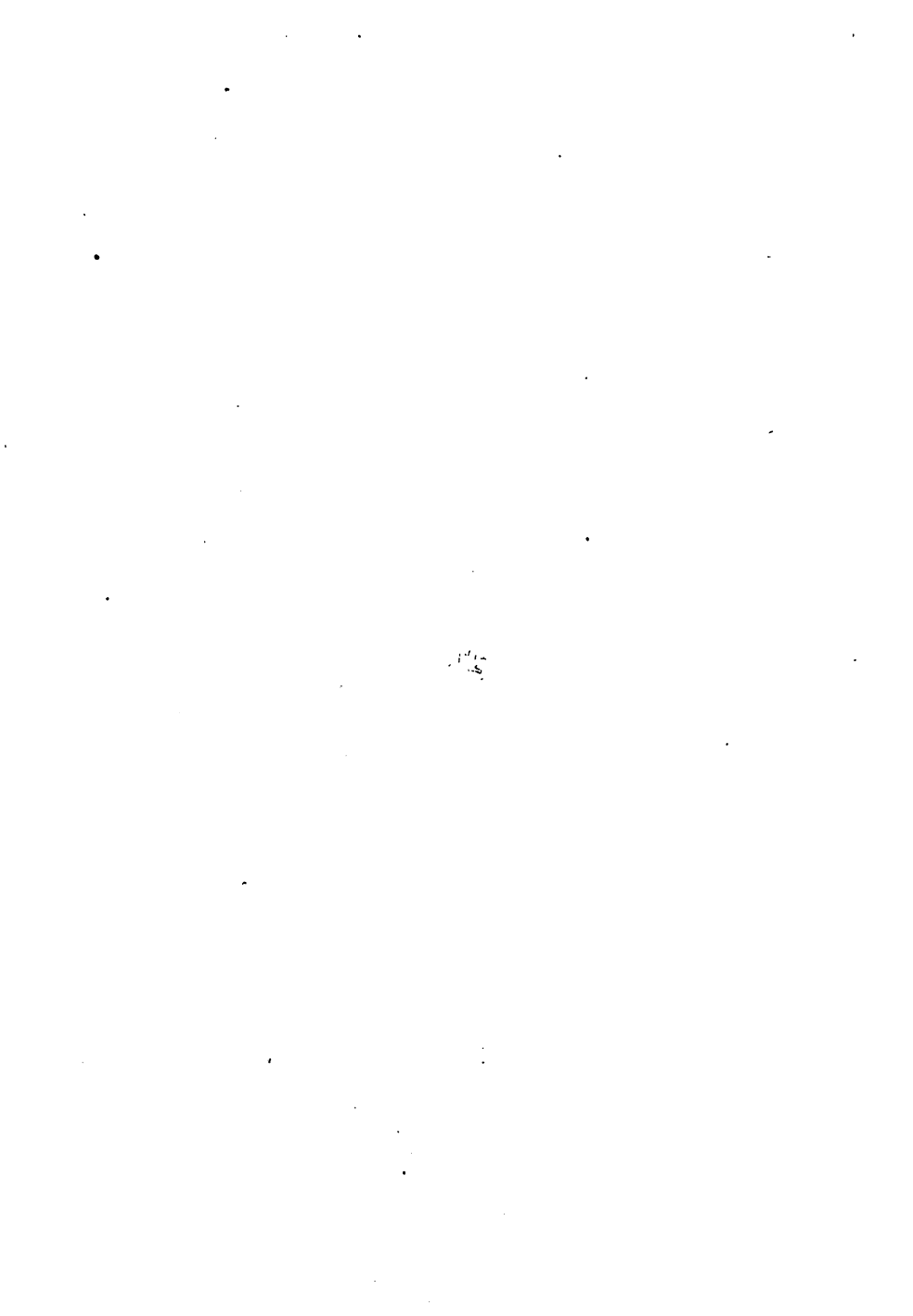


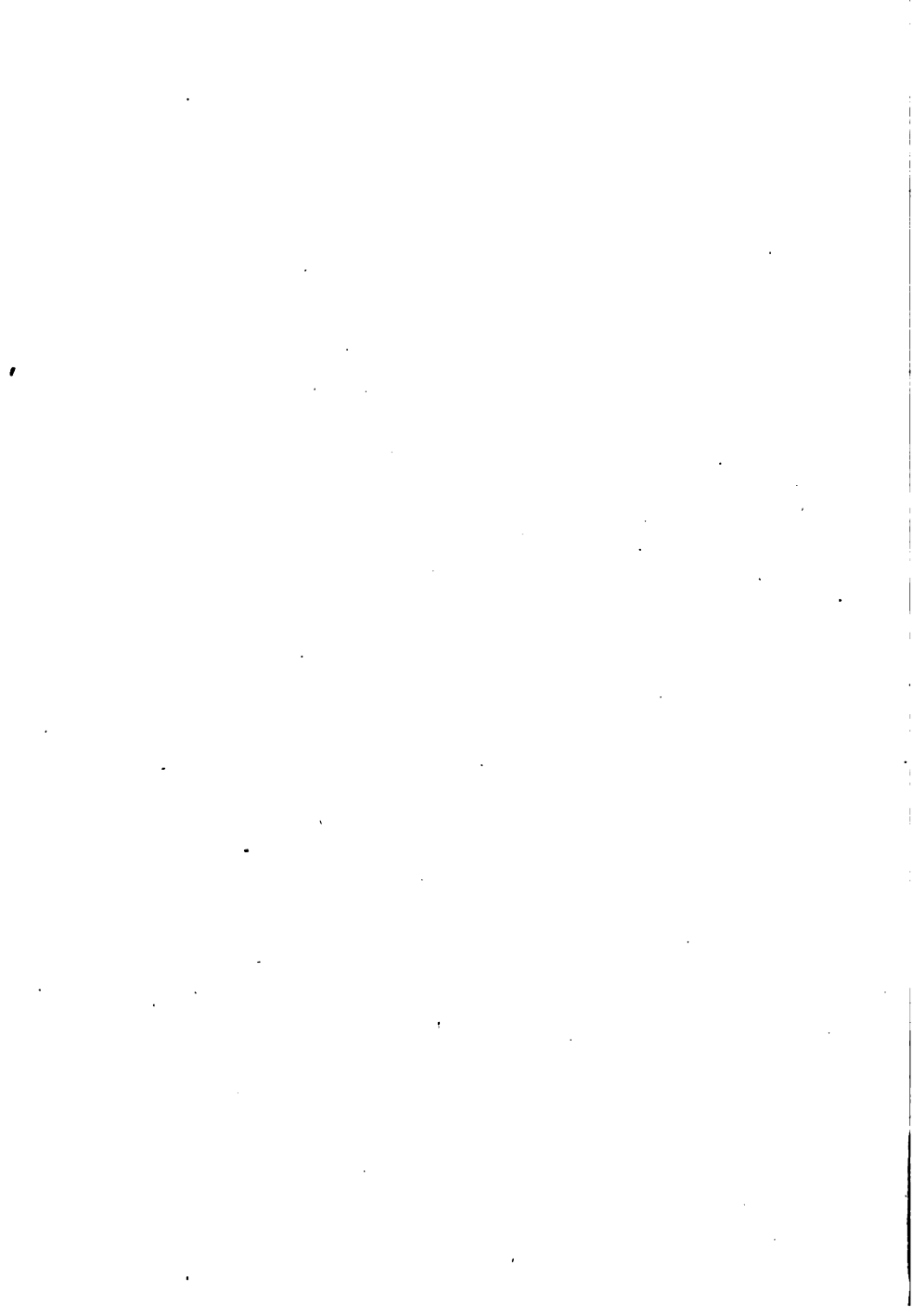
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**A Discussion of the Relations
Between Employes,
Employers and the
Public.**

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INTRODUCTION.

The group of editorials and special articles brought together in this volume express a considerable variety of opinions, but with substantial unity in the general point of view. All but one of them have appeared during the year 1904, and all in the columns of Public Policy. All of them have to do with the relations that exist and those that ought to exist between employes, employers and the public.

In writing a few words of introduction, by the editor's request, I do not mean to imply entire agreement with all the views expressed or all the conclusions reached; neither, I assume, would Mr. Foote care to occupy any such position of wholesale indorsement. But, if I understand the editorial purposes of Public Policy correctly, its aim is to exert a broadly educational influence, and, while seeking to direct that influence along certain general lines of "progressive conservatism," it recognizes that public opinion is passing through a formative period on these matters and that light must be sought from many sources if the truth is ever to stand revealed.

In these pages will be found many of Public Policy's own editorials, many selected from other representative journals, and a number of special arti-

cles dealing much more in detail with phases of the labor problem that are foremost in the public mind. If the impression is given, from these discussions as a whole, that too much attention is paid to certain excesses and abuses that have cost the labor movement so heavily in the last few years, it is but just to say, as I have no reason to doubt, that the purpose is wholly friendly and in no sense partisan or antagonistic. No real kindness is done to any movement by ignoring or smoothing over any clearly mistaken tendencies which, if unchecked, would swing it off into the byways of trouble and disaster.

Personally, I am even more drawn to the method of emphasizing the hopeful tendencies, the better side, of any movement of large possibilities for good, such as trades unionism, in the belief that to point out and keep to the front the successes, the good results of wise and fair dealing, patient and temperate conduct, will more and more impress those who need the lessons of such experience, as many thousands both of workingmen and employers do. But it is necessary that, hand in hand with this "good example" education, should go an equally clear exhibition of the suicidal folly of any policy based on unreason, misrepresentation, misinformation, prejudice, bitterness and passion. Getting men to look upon this picture and then upon that, making the contrasts vivid and real, is probably the most effective method in the whole process of educational guidance from worse to better courses.

The progressive, hopeful side is by no means ignored in this compilation. Indeed, the darker side could be made a minor factor but for the unfortunate fact that in the last two or three years we have had many outbreaks of lawlessness and arbitrary practices in connection with labor troubles in certain quarters, which cannot be ignored, and if not resisted at every step might easily become chronic. There is reason to believe the tide is now running the other way, and it is none too early for all good citizens to be at work, building a sea wall of moral and educational influence against its possible return.

The purpose of this book is to help in just that work by addressing itself to employers, to wage-earners, and to that "outside public" not identified with either group, seeking to bring to each a better understanding of the viewpoint, motives and peculiar problems of the other. The desire has been, in making these selections, to show in clear and simple fashion, with much practical illustration, some of the underlying principles upon which fair and peaceable relations between employers and wage-earners and the community at large must rest. It is impossible, of course, to cover the whole field of such a problem as that in a volume prepared on the present plan; on the other hand, it is very probable that the admittedly fragmentary treatment, the popular style, the variety of topics and their close relation to actual happenings familiar to everybody, are just the things to give it the direct, practical influence among work-

ingmen and employers, which is so often wanting in more exhaustive and carefully wrought-out treatises on the general industrial situation, or in the more or less abstract outgivings of the lecture hall and the college classroom.

President Eliot, a short time ago, characterized the problem of industrial strife as "this greatest of public questions—far greater than any political question now before the country, far greater than any probable or discernible question of foreign warfare, because this warfare is at home, and because it touches in the most intimate way the very truest interests of human society."

Every intelligent, fair-minded effort to lessen this strife by making clear the terrible cost, the folly, the needlessness of it all, and the conditions (or some of them at least) on which friendly and honorable relations depend, has an important part to play in the forward movement of the time.

HAYES ROBBINS.

Winchester, Mass., September 4, 1905.

A NEW EMANCIPATION.

The indications that the workers of this country are about to experience the blessings of a new emancipation are growing continuously. This emancipation is in character the same as that for which there has been a universal and ages-long struggle. It is an emancipation of a kind that humanity must ever seek, an emancipation from the errors of ignorance. Even now large numbers of honest-hearted, intelligent-minded members of trades unions are wondering how it became possible for those who have become their leaders to lead them so far astray from correct principles that have been evolved from the experience and conflicts of all human existence. They will find the source of this power of leadership over them in their abdication of their reason, done when they accepted the dictation of others and ceased to think for themselves. Only by this process has it been made possible to their leaders to require them to commit acts which in their hearts they know to be violations of the fundamental principles of individual liberty. Every workingman who aids in depriving another of his right to work on such terms as he may be willing to accept, when and where and as long as he pleases, aids in forging manacles for his own hands. This fact is being understood by thousands of workingmen who are counting the losses they have sustained through obeying the dictation of ignorant or corrupt

TO WHOM ADDRESS

leaders. It has always been true that, when the blind lead the blind, both fall into the ditch.

One evil of the situation during the past few years has been the cowardice of public representatives and officials who have failed to enforce laws because they wanted to win the votes supposed to be controlled by organized labor. The evil was really deeper than this; its source was in the apathy of the people. There has been a lack of healthy and vigorous public sentiment that would give to every public representative an official reason to believe that for every vote controlled by organized labor that might be diverted from him on account of his actions in honestly and intelligently enforcing all laws, three votes would be attracted to him for this same reason from the great mass of honest-hearted, fair-minded people who constitute the governing majority in this American republic.

Emancipation from the tyranny of ignorance and corruption is to-day the true war cry of those who desire to enjoy their rights to life, liberty and the pursuit of happiness.

ENGLISH AND AMERICAN LABOR UNIONS.

EDITORIAL: NEW YORK JOURNAL OF COMMERCE.

The statement on "Labor Unions and British Industry" issued by the bureau of labor at Washington presented in an instructive way the progress that has been made through experience in labor unionism in

England, in comparison with the backward state of labor organization in this country. The author of the statement, Mr. A. Maurice Low, is well known here as a writer on English affairs in American periodicals and on American affairs in English periodicals. His information and opinions were derived from both employers and workingmen, and apparently fairly reflect the consensus of views. Though it may not be exact to say that "in the United States the unions are at the present time passing through the stage which is part of the history of unionism in the United Kingdom a quarter of a century ago," it is evident that "organized labor" in England has learned many lessons by experience which it has yet to learn in this country. But the circumstances and conditions in the two countries have been in most respects so widely different that a fair comparison is hardly possible, except in the spirit at present displayed by union leaders. [Great Britain is in comparison with the United States a much smaller, more compact and more densely peopled country, with less diversity of interests and employments, but much more advanced in the relative development of mechanical and manufacturing industries. Its labor unions have grown up chiefly in populous industrial centers and have been composed mainly of skilled workmen in "trades." We do not hear of teamsters' unions and striking cabmen, or the organization of excavators and other unskilled laborers in Great Britain.] Moreover, the social traditions there are such that workingmen seem to consider themselves a distinct

class in the community, destined to pass their lives as wageworkers generation after generation, while the theory here is that a man is not doomed by birth or breeding to remain in any class if he has the capacity to work his way out of it.

In England labor organization has been in a strict sense trades unionism, and the purpose has been to organize the competent men in the several trades so as to produce a solidarity that will enable them to exact terms and conditions of labor that were deemed fair in each trade, and to obtain legislation considered necessary for the protection of their rights and interests. Trade organizations have not been so affiliated or confederated as to give one control over another or a voice in its management, and while there has been a bond of sympathy and common purpose between them, they have not been wont to support each other by sympathetic strikes or boycotts. They have been little addicted to using coercion or intimidation to bring the competent men of a trade into its unions, and so far as they formerly resorted to that they have found out its lack of wisdom as well as of justice, and have abandoned it. In their early days they resorted easily to strikes which were not unattended with violence, but they have learned the folly of that and in recent years they have sought to avoid strikes and to prevent violence and violation of law as a matter of policy. They have to a large degree abandoned the attitude of antagonism and hostility to employers, or to capital, and sought to obtain agreements on the ground of mutual interest by "col-

lective bargaining." This has induced a sense of responsibility and a respect for contracts which afford the most notable contrast with the spirit of some of our labor unions. The result is a much better system of management than has yet been developed in this country, for no arbitrary power is given to walking delegates or business agents, but difficulties with employers are soberly considered by executive committees which are made up of the most capable men in the unions. They have learned the serious consequences of bitter disputes and contests and the wasteful loss of strikes, and endeavor by every reasonable means to avoid them and to settle them peacefully when they cannot be averted. These gains are largely a matter of the last few years, rather than of a quarter of a century, and one of the most impressive lessons was derived from what is known as the great "engineers'" or machinists' strike, which did so much injury to British industry.

The errors of English trades unions have been largely economic, and through their discussions, their friendly conferences with employers and the choice of their ablest men as leaders in their councils and representatives in public bodies, including the British Parliament, they have been learning to correct these. But some of them linger, and our labor unions are much more apt to copy the errors than to accept the lessons of experience. In former times they made the mistake of resisting the introduction of labor-saving machinery and improved methods for the increase of production on the ground that they diminished the

demand for labor. This is one of the faults least imitated in this country on account of the larger opportunities for work, and now it seems to be outgrown in England; but workmen there have not wholly got over the cognate error of restricting production by limiting the amount to be done within certain hours or in return for an established rate of wages. It is said in Mr. Low's statement that it is now "reluctantly admitted by the most intelligent among labor leaders" that "in the past" the trade unionists "penalized the more efficient workman to the extent that it was impossible for him to profit by his superior natural advantages, higher skill or greater industry," and it is implied that this is not so in the present. But a workman is quoted as saying that "if there were no unions the best man among the workmen, the man who could do the best work and who is willing to work hardest, would get along best and make the most money, just the same as he does in any other class, but the union won't let us do that." That is the most grievous industrial and social error of the British trades unions, and, strangely enough, it is the one most insisted upon by some of the unions in this country, where every man is supposed to be free to avail himself of his capacity and his opportunity to rise in the world. The respect in which labor unions here lag deplorably behind those in Great Britain is in their intolerance toward non-union men, their use of lawless and iniquitous methods, such as attacks upon person and property, the sympathetic strike and the boycott, and this is due to a leadership

which is distinctly inferior in ability and character to that of the British trades unions. But except at a few points, in large cities and manufacturing and mining centers, unionism is a much smaller factor in the industrial life of this country.

MILITANT STAGE OF TRADE UNIONISM.

EDITORIAL: WALL STREET JOURNAL.

A report of very great interest and importance has been made to the bureau of labor at Washington by A. Maurice Low, in regard to labor unions and British industry. There has been, from time to time, much written on this subject from the various standpoints, and the belief has very generally prevailed that no small part of the decay in British industry, to which leading English statesmen have recently referred, and which has led to the Chamberlain program of a protective tariff, has been due to the exactions of the trade unions. Mr. Low's report goes to show that while this is in large measure true, it is a passing condition, and that the labor unions of Great Britain have entered into another stage of development and are reaching the point where they realize the necessity of co-operation with, rather than war upon, capital.

Mr. Low reports that the labor unions when started in England soon became a militant society, whose main object was to better the condition of its members at the expense of employers, and without regard for the

rights of employers and the equities involved. The labor leaders were men who were trying to embitter the relations between members of the unions and the employer. That era, he says, has passed. The fighting trade union leader has been succeeded in England by a leader who is no less courageous, but who is certainly more intelligent. This new leader has given time and thought to the study of industrial questions, and comprehends that if the wage-worker is to improve his condition it is essential for him to maintain friendly relations with his employer, to make strikes as few as possible, and to do nothing foolishly to restrict the conduct of business or increase the cost of production, and thereby help a foreign competitor. Mr. Low admits that the appeal to force, the strike on one hand and the lockout on the other, is by no means an archaic weapon in England to-day, but both sides recognize the wastefulness and folly of resorting to force and endeavor by every means possible to secure a settlement of difficulties by an appeal to reason and the employment of methods of conciliation.

Mr. Low apparently conducted his investigation with care and impartiality and with patient investigation of both sides of the labor problem. His report contains a mass of details tending to sustain the conclusion which he has reached.

It is needless to say that his conclusion, if it is, as it appears to be, in accordance with the facts, is of immense significance to this country. The United States has been able to attain a commanding industrial

position in the world by means of methods far in advance of those adopted in older countries. Our capitalists have been ready to adopt every possible improvement and to substitute at the earliest opportunity and regardless of expense the new machine or tool. They have built expensive plants, only to abandon them as soon as constructed because new inventions or methods have been discovered which would cheapen production. Moreover, there has been in this country a larger use made of human muscle and human brain, so as to get out of them the largest possible results in the shortest space of time. Consequently, in spite of our protective tariff and the high rates of wages paid in this country, we have been able to place the products of our manufacturers in many quarters of the globe in competition with the poorer paid labor of Europe. This has been the result, in large part, of the fact that the American factory and mill have been from top to bottom a thinking machine. Not merely the financier supporting it, and the managers controlling it, but every grade of workman down to the lowest have been encouraged to think, and a premium has been paid upon suggestions of improvement. Now in England the conditions of the past have been very different from those prevailing in the United States, and that is the reason why England has fallen behind in the great contest for commercial supremacy. In England the capitalist has not expected or encouraged the average workman to think, and, on the other hand, the average workman, through his trade unions,

has persistently antagonized the introduction of new machinery and labor-saving devices.

The significant thing, however, is that England has learned her folly. Her statesmen have waked up to the realization that something must be done to prevent further decay. Her employers are realizing the advantages of collective bargaining, which is one of the great results of trade unionism, and are beginning to introduce many American methods. The trade unions have begun to realize their folly in antagonizing machinery and in pursuing a policy of war against capital.

Now in the United States, immense as have been our strides in other respects, we are still in the preliminary or middle stages of the labor problem. We are undergoing an experience which in England, according to Mr. Low, has been passed. Here, in spite of many efforts at conciliation, some of which have been very successful, the attitude of capital and labor is that of two opposing armed bodies. We are in the militant stage of the labor problem. England has passed that stage and has entered into that of conciliation and co-operation. The significance of this statement is very plain, and the lesson it teaches is vital. Unless the United States intends to lose the advantage which it has gained, capital and labor must stop making war upon each other, and while retaining the advantages of organization on both sides, shall substitute conciliation and co-operation for acts of war.

A PLEA FOR FAIR PLAY BETWEEN CAPITAL AND LABOR.

Under the title of "The Middle Ground in Labor Questions," the editor of the Wall Street Journal gives publication to a letter from James Kilbourne, commenting upon the advice given to workingmen by Samuel Gompers to resist any attempt to reduce their wages or to increase their hours of labor. This advice was given by Mr. Gompers in his annual address before the national convention of the Federation of Labor, at which time he was a candidate for re-election as president of the organization. When workingmen are imposed upon by being urged by a trusted leader to follow such a policy, which is indefensible from an economic standpoint, prudence and common sense not only demand that unnecessary and unreasonable reductions in wages should be avoided, they demand that information shall be supplied to both employers and employes from which they can form correct opinions.

There are extremists in both classes. Some employers are as eager to get the largest possible amount of work for the least possible pay as some employes are to get the largest possible pay for the least possible work. The vocation of employer or of employe does not of itself change nor sanctify human nature. But there is a science of economy that is being gradually learned which shows that the line of greatest efficiency does not run through the highest peak nor the lowest

abyss of developed energy, but through the hours of average load. Mr. Kilbourne well says: "There is a wonderful difference in the quantity and quality of the output of contented and that of discontented labor."

Workingmen are as honest minded as any other class of people. If they are correctly informed their judgments and their actions will be just. A sense of just treatment is the source from which contentment must spring. The economic value of contentment is the lesson many employers have yet to learn. On the other hand, appreciation of just treatment is the attitude that is necessary to induce just treatment. Satisfied employers are as essential to healthful industrial conditions as contented workmen. When employers sagaciously anticipated coming events by voluntarily increasing wages no labor leader's voice was raised to urge workingmen to resist such procedure. This disposition on the part of employers to be fair entitles them to the confidence of their employes who are able to comprehend that a reduction of wages may be as fair as an increase of wages. (The question of fairness is determined by conditions, not by the act of increasing or reducing wages.) A correct knowledge of conditions is fundamentally necessary to a correct judgment. The expense of disseminating this knowledge is the cost of the economic efficiency of contentment. That it is a good investment is known by all who have given it a fair, practical test.

THE MIDDLE GROUND IN LABOR QUESTIONS.

EDITORIAL: WALL STREET JOURNAL.

The following letter received from the president of the Kilbourne & Jacobs Manufacturing Company of Columbus, Ohio, a large employer of labor, is so fine, so just and so wise that we commend it to every employer of labor in this country:

"The Editor of the Wall Street Journal:

"A clipping from your paper containing an editorial under the caption 'Wages and Prosperity' has just come to my hands from a friend in your city.

"After quoting Mr. Gompers, president of the American Federation of Labor, as saying, 'Working people should resist any attempt to reduce their wages or to increase their hours of labor,' the editorial contrasts with that statement an account, given by me in an address before the national convention of employers and employees at Minneapolis, of the generous action of our employees during the panic of 1893. The contrast drawn would have been more just to Mr. Gompers if the further fact stated in my address had been mentioned, viz., that the wages of the employees had never been lowered.

"While the position of Mr. Gompers that any and every reduction of wages should be resisted by workmen is, as you say, under existing conditions, indefensible from an economic standpoint, prudence and

common sense demand that unnecessary and unreasonable reductions in wages should be avoided.

"There is a middle ground which should be taken in the interest of both capital and labor. If a renewal of the widespread labor troubles which last year resulted so disastrously to both can this year be prevented, there is nothing, now apparent, to prevent a prosperous business year for this country.

"Whether this can be done depends at least as much upon employer as upon employee. The greater danger is that many of the former, smarting under the exactions of organized labor last year, will, either in retaliation or through greed, seek to take undue advantage of the changed conditions and make reductions in wages beyond those which necessity compels.

"Unquestionably the reduction in the volume of business must lead to lower prices for commodities before there can be a change for the better, but it is neither necessary nor advisable for the interests of capital that the entire reduction should be borne, as is too often the case, by labor alone. Labor will uncomplainingly bear its just share, but any general attempt to cast an undue portion of the burden upon it will be firmly resisted.

"The average American workingman is both intelligent and fair. He recognizes present conditions as well perhaps as does the average employer, and will as cheerfully do his just part in meeting them as his employer has done his in sharing with him the gains of more prosperous times. Reductions in wages have already been quietly accepted by the employees of many

large manufacturing companies, especially those manufacturing for export. There are fully as many instances of this, I think, as of manufacturers who three years ago, at the beginning of the boom, voluntarily advanced wages.

"Whether working people will resist attempts to reduce their wages this year will depend not so much upon what Mr. Gompers or other labor leaders may advise, as upon the justice of the demands that are made upon them and in the manner in which they are presented.

("As I said in the address from which you quoted, 'Nearly thirty years' experience as a manufacturer has convinced me that American workingmen (as a class) do not ask of those in whose fairness they have confidence more than they believe to be justly due them, and that when an employer wishes to do all that justice demands and his necessities permit and approaches them and deals with them as men having the same feelings, the same objects in life and the same rights as himself—there will be no difficulty in establishing amicable relations between them.')

"Your caution and advice to workingmen is good and timely. Will you not supplement it with an appeal to employers to take no undue advantage of the fact that labor is now the 'seeker' and not the 'sought?'

"Upon them—their wisdom, moderation and fair-mindedness—depends more than upon the workingman at this time whether we are to have industrial peace or war; whether this is to be a prosperous business year or one of commercial disaster. Let them,

in the necessary reduction of prices to which you refer, cut their profits for the time being a little more proportionately than the wages of their employes, and they and the country at large will profit by their so doing.

"There is a wonderful difference in the quantity and quality of the output of contented and that of discontented labor. Whichever we are to have this year is largely for the employer to decide.

"Permit me to add that I agree with Mr. Gompers in objecting to an increase in the hours of labor. What has been gained by labor in the direction of shorter hours is a gain for civilization, for 'happy homes, without which neither virtue nor religion thrives.' It should be firmly held, not in the interest of working people alone, but of the community at large. Very respectfully,

James Kilbourne."

Comment upon this letter is scarcely necessary. It is not the utterance of a mere theorist, but of a practical man of business, who has for many years had dealings with labor upon a large scale, and we do not recall any recent contribution to the literature of the labor problem which is so convincing as this.

There is nothing to be gained by war between capital and labor. The militant stage of the labor controversy is the stage of disaster and panic. Prosperity is possible only with moderation and conciliation. The trades unions which seek to gain control of the industries of the country by establishing an absolute monopoly of labor, and the organizations of capital which seek to rule by a sort of divine right of capital, and

regard the organization of labor as in the nature of a mutiny upon ship, or of rebellion against constituted authority, are both wrong, and must both recede from their position unless they would destroy each other in a never-ending conflict.

The death of Senator Hanna, who devoted the last years of his life to the work of the National Civic Federation, is a good time to emphasize this fact. As Senator Hanna said, the grandest thing that could be accomplished in this country would be to bring to fruition the plans of the federation to make great labor disputes impossible. Now is the time when the employers of labor, by wise and considerate action, might do much to prevent further warfare between capital and labor. Because the labor unions went to excess when they were largely in control of the situation, the demand for labor being greater than the supply, there is all the more reason now why employers should display a spirit of fairness and conciliation, the supply of labor being larger than the demand, and the employers are therefore in control of the situation. This is the danger of such organizations as that headed by Mr. Parry, namely, that they will, by striking at organized labor, make the relations between capital and labor more bitter and irreconcilable than ever.

As Mr. Kilbourne says, there is a middle ground which should be taken in the interests of both parties, and his appeal to employers to take no undue advantage of the fact that labor is now the seeker and not the sought is timely and wise. The trouble is that many employers believe that an attitude of conciliation

on their part is a sign of weakness, and that the only way to deal with labor is by keeping it as far as possible in a state of complete subjection. Whether this is a year of prosperity depends very largely upon the way with which employers deal with this subject. We have the testimony of Mr. Kilbourne that reductions of wages have already been quietly accepted by the employes of many large manufacturing companies, and it seems as if in the vast majority of cases there would be no difficulty in adjusting rates of wages to existing business conditions, if the matter was adjusted in a spirit of fairness and an adequate explanation given of the reason for the changes.)

NATURAL CHECKS TO LABOR UNION ABUSES.

BY HAYES ROBBINS, WINCHESTER, MASS.

Many people very readily assume that to protest against the evils in the labor movement is to imply that all the wrong is on the labor side and that the capitalists or employers are therefore without fault. The assumption is absurd, of course. It happens to be a habit of the public mind and conscience to concentrate, for the most part, on one abuse or wrong at a time. Now it is political corruption; now it is "trusts" or trust excesses; now it is "graft;" just at present it is the misdirection, in certain ways, of new and unaccustomed power in the hands of labor organizations. And many of the very blunders of labor

union policy can be traced without much difficulty to equally arrogant and arbitrary practices of which employers have been guilty at various times, and against which organized workingmen have devised weapons of similar caliber.

On the plan of "one at a time," however, it is worth while to pick out from the mass of disputation and recrimination, charge and countercharge, just what are the real abuses in the organized labor movement at the present moment, freely granting that not all the blame for these should by any means be shouldered upon that movement, and that there are evils in the other camp quite as capable of working vast mischief to the community.

THE MOST HOPEFUL FEATURE IN THE SITUATION.

It will be found that to each of these excesses of labor unionism a natural limit or check is set in the very constitution of modern society. The very fact that the most serious danger elements in our industrial life are not external and beyond reach, but are part and parcel of our domestic conditions, is the most hopeful feature in the situation. Under conditions of freedom, with the thousand and one interacting influences of modern civilization at work, the very strife brought on by any new abuse in time establishes a limit beyond which that abuse cannot go—very much as a cannon ball, which might easily shatter one solid block of stone, simply cannot force its way through the millions of particles in a sand-bank.

What some of these natural checks are may be shown best in connection with the particular abuses around which most of the contest wages, such as violence during strikes, unreasonable exactions and arbitrary trespass upon employers' functions, the "extended" boycott, and rigid discrimination against non-union workingmen.

(I) PUBLIC SENTIMENT, PRINCIPAL RESTRAINT UPON
VIOLENCE.

On the rule of "an eye for an eye," of course, the direct check to force is force. But it would be a mistake to suppose that this is the only or even the principal restraint upon violence in industrial disputes. Back of the local police, back of state militia, back of national troops, lies that broad and deep reservoir of public sentiment which in the first instance provided by law for repression of lawlessness and outrage, and nowhere permanently tolerates it. And this sentiment is even more powerful in prevention of what might be than in repression of what is. The consciousness of popular resentment, distrust, suspicion and hostility has forestalled more rowdyism and riot, probably, than armed force has been required to put down.

This is confirmed by the fact that the day of such ferocious terrorism as that in Pittsburg, 1877, and Chicago, 1894, apparently, has gone by. It is this great background of order-loving and order-enforcing sentiment that has impressed itself upon the more intelligent, discerning labor leaders and is forcing more leaders of that type to the front. The effect of this

influence crops out further in the strenuous denials of any share in strike violence, on the part of organized labor. Virtually all of it is charged to loafers and rowdies having no connection with the labor movement. In part this is true, of course, but the defense has not usually made a very strong impression upon public opinion. The finding of the arbitration commission in the coal strike, that the irresponsible minority among the strikers was largely involved in the "disorder and lawlessness," including "riot and bloodshed," in spite of the efforts of some of the leaders, probably agrees with the prevailing impression of the public in most of the cases where violence has been a part of labor controversies. The denials, however, at least show that the need is realized of overcoming this belief and the hostile judgment that goes with it.

LABOR ON THE AGGRESSIVE—CAPITAL ON THE DEFENSIVE.

The labor movement in large measure depends upon public sympathy for its ultimate success. Capital, on the other hand, chiefly demands to be let alone. It has always regarded its methods and interests as purely its own affairs. To a great extent it is on the defensive. But labor is on the aggressive. Whatever headway it makes is tedious and painful at best, and it is coming to realize more fully that it cannot fight against public sentiment and the tremendous reserve force of capital combined. It knows that the greatest strike in recent years was won through the co-opera-

tion of public sympathy, and in proportion as it appreciates the danger of alienating this powerful ally the influences within the movement making for orderly self-restraint and respect for public and private rights will strengthen. Here is the natural check to violence. It is more effective than guns, and the campaigns of labor can never be waged successfully in disregard for it.

(2) TRESPASS UPON EMPLOYERS' FUNCTIONS.

So long as we have employers and wage-earners—or so long as productive industry is carried on by private enterprise—the employer must necessarily retain the power of supervising and enforcing the conditions of employment accepted and agreed upon at any given time. Even under socialism the managing head of an industrial department could not do less, except upon the risk of making his department a charge on the public revenues by reason of less and less efficient production. And to the extent that this prevailed it would, of course, compel the socialistic state to reduce in like measure the distribution of product throughout the community.

The employes, under accepted conditions of private employment, may and indeed ought to seek to improve the conditions of service, and, where other measures fail, may refuse to work, either individually or in a body, until the conditions are so improved. But the right to supervise the daily conduct of their own work, decide for themselves whether the rules in force at any given time shall be respected, or to deter-

mine what productive processes shall be employed or business policies pursued, cannot be included among the employes' functions. Where the survival of the industry itself depends upon its ability to meet the ever-varying emergencies and exigencies of competition these things must be under the constant control of the policy-directing head. Being vital to the profitability or solvency of the enterprise, they cannot safely be taken out of the hands responsible for that profitability or solvency. They are not among the debatable conditions of employment.¹ To exercise these powers the wage-workers must be their own employers and assume the obligations and responsibilities of business management, with all the risks of loss and failure. They cannot permanently enjoy the one and escape the other. /

PREVENTING THE USE OF IMPROVED MACHINERY.

These truisms sound commonplace, but, unfortunately, they are very often transgressed principles in present industrial relations. The employer's prerogative of introducing improved processes or instruments of production has been fiercely resisted, and is still resisted in many quarters to-day. So recently as 1902 an officer of the International Association of Machinists issues a statement claiming for that organization the credit of having saved its members more than two million dollars in wages, through having "prevented the introduction of the two-machine system in 137 shops, employing 9,500 men," and "prevented the introduction of the piecework system in shops employ-

ing 4,500 men." And this after a century of experience of the expansion in both wages and amount of employment through the economizing of waste by improved methods, and consequent widening of the field of industry!

SUPERVISION OF SHOP WORK.

Supervision of shop work has been virtually taken out of the employers' hands in many industries, each shop choosing its own foreman. Even the right to discharge for cause is often resisted under threat of strike. The employer is unable in many cases to use his plant in such a way as to yield the greatest economy in production, because of rules which assign more men to a given machine or process than are required, and limit the output per day or per man. These practices are not universal, fortunately, and it must be admitted that many of them originally grew out of unfair exactions and "forcing" on the part of employers. Much less justification for them exists to-day.

UNION SUPERVISION RESULTS IN FAILURE.

The natural limits or checks here are very close at hand. They are strictly economic; public opinion need not figure at all. Many establishments in which profits are easy and a wide margin exists for possible losses have surrendered various management functions in this way, and do not appear to suffer serious loss, so long, at least, as prosperous conditions continue. But the principle once allowed, the way is prepared for pushing even the successful enterprise into more and more serious complications until disaster is fairly in

sight. The failure of the Morse shipyards and iron works, of New York City, last September, is an illustration in point. Here was one of the largest establishments on the Atlantic seaboard, operating a two-million dollar plant and employing 2,200 men. In 1902, the company having contracts on hand to complete several oil-tank steamers within a stated period, the labor interests seized the opportunity virtually to take the management of the operating department into their own hands. Persistent loafing became the rule under foremen of their own choosing, and whenever new foremen were appointed and ordered to discharge the loafers a strike would be declared to compel discharge in turn of the offending foremen, and so on, until the establishment was compelled, step by step, to curtail operations, reduce its force, decline new contracts and finally go into the hands of a receiver. The limit the unions reached in this case was either to forego employment entirely or accept it in heavily reduced volume, under the management of the courts and upon strictly defined conditions.

The test of hard times puts an end, perforce, to wrangling over these points. It brings the relations of management and employment back to the normal economic basis upon which successful private industry rests. In the course of further experience and better understanding of that experience, it is reasonable to expect that organized labor will come to prefer the more stable and permanent conditions of employment possible where the necessary means of survival and

success under competitive conditions remain in the employers' hands. The alternative limit, of always possible and often certain economic failure, is final.

(3) THE BOYCOTT—PRIMARY AND SECONDARY.

The coal strike commission in its report drew a useful distinction between what it termed the "primary" and the "secondary" boycott. It might sometimes be un-Christian, but the legal right was not denied of "any man or set of men, voluntarily to refrain from social intercourse or business relations with any persons whom he or they, with or without good reason, dislike." This is the primary boycott. "But when it is the concerted purpose of a number of persons not only to abstain themselves from such intercourse, but to render the life of their victim miserable by persuading and intimidating others so to refrain, such purpose is a malicious one and the concerted attempt to accomplish it is a conspiracy at common law, and merits and should receive the punishment due to such a crime." This is the secondary boycott, and it is at just this point that the legitimate passes over into the criminal. It is extending the conspiracy by geometrical progression, tending to make it an irresistible instrument of ruin, wholly incompatible with the institutions of justice upon which the life of government, or of society itself, rests.

EMPLOYERS' BLACKLIST.

The employers' blacklist is so similar to the boycott in method that it easily suggests itself as the natural offset, or natural check, to the boycott. This is true

only in a very general sense. The two measures are virtually the same weapon in opposing hands, but they are not specially directed against each other. The boycott is applied to a business concern for any number of causes, seldom for the particular reason that it has engaged in blacklisting. Similarly, the blacklist is applied to the individual workingman for a score of reasons, rarely on the single ground that he has taken part in a boycott. Both weapons are used wherever available, when used at all.

NATURAL CHECK TO SECONDARY BOYCOTT SENSE OF COMMON INJURY.

The natural check to the secondary boycott is the accumulating sense of common injury in the community subject to these outrages. In proportion as the provocation becomes keener, the common resentment and indignation coalesce into a compact resisting body, the first effect of which is that the firms or persons threatened with ruin if they do not join the attack upon some other person or firm will gain courage from the knowledge of this broad background of public support and take united action to defy the conspiracy. And if this is not enough public sentiment can and will express itself through the medium of government, which is a perfectly natural, because necessary, resort of the major power in the community to define and protect the conditions of social order. In proportion as the social consciousness loses faith in less drastic measures it will strengthen its defenses here.

Fortunately, there is reason to hope that this par-

ticular labor union measure will retire within lawful limits before the extreme penalties are reached. It is true, the boycott in the primary form is in common use in many ways, among all classes and for a large variety of social, industrial and political purposes; its employment by organized labor is as legitimate as any of these others, and is stoutly defended by nearly all labor leaders. It is a hopeful circumstance, however, that while the "secondary" boycott is often resorted to in practice, there is much less disposition to come out and defend this extended application to disinterested non-combatants. Mr. Mitchell frankly condemned it in his testimony before the coal strike commission. His may have been a voice crying in the wilderness, but we need not discredit the reserve intelligence of organized American workingmen by assuming that it will be the only voice or that its warning will not be heard in time.

(4) DISCRIMINATION AGAINST NON-UNION MEN.

The Civic Federation, in one of its recent monthly reviews, put into brief form the argument upon which organized labor justifies the "closed shop"—that is, the shop in which only union members are employed or permitted to be employed. "They reason that in order to enforce the scale of wages and hours it is necessary that every workingman be subject to discipline if he works below the scale, and that they cannot know whether he is actually working below the scale unless he is a member." Undoubtedly they cannot, but that fact does not necessarily justify the practice of exclu-

sion. If the conditions are actually made poorer by reason of the non-union man's presence, there is justification, of course, for refusing to work with him, but we have reached a condition to-day where that result is by no means the rule. In fact, it cannot be proved that maintenance of a high wage scale depends upon the "closed shop." The trend of wages was upward when the open shop was universal, as well as since. In many special cases, without doubt, advantage has been taken of the introduction of non-unionists to weed out union men and eventually grade down the wage and other conditions in the shop, but the penalties of that policy have been demonstrated so often that much less disposition exists to apply it to-day.

The right cannot and should not be questioned to use every peaceable means of persuasion, even of social ostracism, to induce a workingman to become a member of a union, but to make the employer an unwilling instrument of compulsion against that workingman, to demand the workingman's discharge on penalty of a strike in the employer's shop or boycott against his goods, or both, on the sole ground that the offender does not choose to join a purely voluntary organization, is simply to establish a workingmen's blacklist against workingmen, similar in effect to the employers' blacklist, to the moral iniquity of which the trade unionist is keenly alive. Where the non-unionist is objected to for other reasons, such as incompetence, or that he is a "strike-breaker," discrimination is only to be expected; but it is time enough to apply the "workingmen's blacklist" when these specific facts are

known in the specific case, or when evidence appears that the non-unionist is being used as a tool to drive out his organized fellow workers.

But the present practice is to apply the discrimination anyway, on the mistaken assumption that employers universally and all the time are watching for chances to lower the wage rates and generally to "oppress" labor. And the policy is enforced to an extent and in ways so certain to alienate the sympathy which naturally goes out to labor in its efforts for improvement, that the wiser labor leaders, no doubt, would ere this have taken positive stand against it had not the practice become so deep rooted, especially in this country. Even in England, where unionism is perhaps at its maximum strength, much less stress is laid upon the "closed shop" idea than here, and less bitterness exhibited toward the non-union workingman.

ABSURD DISCRIMINATIONS.

What can be expected of public sentiment in such cases, for example, as the refusal of musical unions to perform in company with foreign artists making professional tours of a few months only, in this country, unless these visitors become members of the local unions in the cities or towns they may visit? Or what of a strike ordered because a member of the firm undertook to sharpen tools in his own shop without becoming a member of the union, admission to the union even having been refused him until he should serve eighteen months at the trade? Or what shall be said of the growing custom of discriminating not only

against non-union men, but against members of rival unions performing the same or similar work, and this even to the extent of such a colossal absurdity as the order of the International Plasterers' Union that all repairing or filling in of openings between the various sections of plaster statues and groups for the St. Louis exposition must be done by common plasterers instead of by selected experts from the St. Louis Modelers' and Sculptors' Union?

LIMITS TO THE CLOSED SHOP.

We need not go outside the industrial field to find the ultimate checks to such practices, securely entrenched as they are in some quarters. Discrimination against rival unions means the house divided against itself, which cannot stand. Both kinds of discrimination are encountering a resistance which may compel an "open shop" regime; not the non-union shop, not the union shop, but the shop open to both upon equal terms. And this, it must be confessed, is the natural and logical basis of industrial employment. It is morally superior to any other, so long, at least, as employers do not prevent it from remaining so by taking advantage of the free relation to discriminate on their own part, against union men, and lower the standards of employment.

If the open shop can be made a union shop by peaceable persuasion no objection need or ought to be raised, and there is, in fact, little doubt that the general arguments in favor of unionism, by their very obviousness, combined with the preference of many em-

ployers, such as President Tuttle of the Boston & Maine Railroad, for dealing with unions and union representatives rather than with masses of employes as individuals or as a "mob," will serve to maintain a steady preponderance of union influence wherever that influence now controls, and sufficient to extend it, probably all the more effectively, from the larger public sympathy and more harmonious relations with employers due to the final getting rid of arbitrary and unjust practices.

The open shop is the leading plank in all the recently formed employers' associations, notably of the Citizens' Industrial Association of America. It will be most salutary for the union cause if it recognizes the meaning of these forces in time to prevent them from crystallizing into an attack upon unionism *per se*, as they now show positive signs of doing. One evidence at least that the dangers of forcing this issue too far are coming to be appreciated was the decision of organized labor not to make a political attack upon the President for his refusal to unionize the government printing office by discharging a non-union employe. Here, at least, the limits were too prominent to ignore, public sentiment outside the unions being practically unanimous on the issue in question.

LOGICAL PLACE FOR LABOR ORGANIZATIONS.

It should not be inferred for an instant that these abuses and excesses in the labor movement are to be regarded as its leading features, or that they are not meeting opposition in greater or less degree within

the ranks of the unions themselves. The place of labor organization in the economic fabric of society, as the counterpart of capitalistic organization, is entirely logical. It is even necessary to a just balance of power and benefit in the community. To the extent that it stands for the uplift of the wage-earning millions, by humane, orderly and just methods, it ought to, and will, command the cordial sympathy of all clear-thinking and fair-minded citizens. But it is precisely in order that it may stand for these ideals, by these methods, and so command this necessary sympathy and support that reform of certain abuses which have become prominent is now of pressing importance.

Will these abuses be abandoned before the natural limits that have been pointed out are reached? That is another story. It is safe to say that while many of them are already being modified, few of them will be wholly surrendered until organized labor is convinced that the employers have no intention of repeating the earlier tactics of subtly undermining unionism wherever and whenever the bars are let down in any quarter. The boycott, the strike, the closed shop—all are war measures, and will hardly be abandoned until the treaty of peace is signed and obeyed. And any treaty of peace which abolishes lawlessness, the boycott and the closed shop will have to include also the employer measures of blacklisting, of insidious wage reduction and discrimination against union workingmen.

In the declarations by prominent employers within the last few years, backed up by wise and liberal deal-

ings with workingmen, there is evidence of a new recognition of the economic and moral right of labor organization, and of the broad advantages of such organization, not only from the workingmen's standpoint, but even, in certain respects, from the employers'. Formerly the universal attitude was bitter hostility to the very suggestion of such associations. There is a new recognition, too, of the wisdom and economy of high wages, apart from any philanthropic considerations. The most important wage increases during the present era of prosperity have been voluntary on the employers' part. This change of sentiment and practice, in so many quarters, even in the face of the abuses that have cropped out in union policy, is perhaps the surest ground of confidence on labor's part that the extreme measures it has considered necessary thus far may be safely modified to a legitimate basis.

**UNIONS FREE FROM ABUSES ARE RESPECTED AND
RECOGNIZED.**

There is no reason to suppose that if these excesses are so modified employers would care to invite their certain revival in full force by throwing themselves anew into an intolerant regime of wage-cutting, black-listing and union fighting. The unions which are the freest from abuses and arbitrary policies, such as those in the railroad service, are not only not browbeaten and taken advantage of by the employers, but are notably respected and recognized, and probably are of the largest usefulness to their members. Further,

while the open shop principle was virtually established throughout a large part of the steel and iron industry as a result of the great strike of 1901, evidence has yet to be offered that advantage has been taken of this new status either to break up the ironworkers' unions or to "grind down" the wage scale. If reductions have come in connection with periods of depression in that industry it is safe to say they would have come anyway, even if every steel plant in the country had been a closed shop.

The labor movement ought not to invite a struggle upon these hopeless issues. They are alien to its true ideals, unnecessary to their accomplishment, wrong in principle, often costly in practice. A natural check is set to each of them. The future of organized labor lies in quitting these by-paths leading out to impassable rocks and massing its forces along the main lines of progress toward a larger welfare and fairer conditions of industrial peace.

WORK: A GRAND IDEAL.

EDITORIAL: WALL STREET JOURNAL.

The world is outgrowing the idea that work is a curse, a punishment, or even a discipline. Some have even gone to the other extreme and regard their work as a play, a sport, a game. They enjoy to the full the stress and suspense of the conflict, and the thrill of victory. Their work takes the place which, with other men, is filled by wife, home, love, and the delights of

friendship, of books and of art. Work absorbs every faculty of their being and it satisfies every ambition and passion. Modern business is on so large a scale that it is not strange that some find it the gratification of every desire. They work not so much for gain as for very joy of working.

This, it is needless to say, is an advance upon the old conception of work as a curse. It is far better to regard work as a sport than as slavery, as something to be eagerly sought after, than as a thing to be avoided. But there is still a higher conception of work, which a few have adopted as the guiding principle of their lives, and which, as a grand ideal, will ultimately prevail with all.

This conception of work is that it is part of a divine plan. In working a man performs his highest destiny and makes himself a partner with his Creator in the civilization of the world. Work from this point of view becomes an act of religion, a solemn function. It assumes something of the character of a sacrament. The man, therefore, who works the hardest and achieves the most is, in this sense, the most religious man. In working such a man may enjoy the delights of achievement and the fruits of success, but above all will be the feeling that he is an instrument in the hands of an almighty power for the furtherance of a divine plan, and if in working he gains wealth, it is only to hold it as a trustee.

Now such a conception of work as this if generally adopted would transform the world. It would give a new charm, a new spirit, a new dignity to work. Suc-

cess would no longer be regarded with suspicion and fear. The promotion of great enterprises and the control of great properties would have much of the same significance as now attaches to some supreme act of worship or heroism. The man who built a canal, organized an industry, established a great railroad system, developed a mine, invented a new machine, or discovered a new principle of science, would be as truly a priest and a minister as one who served at the altar. Hatred of wealth would be an act of impiety, while the truest infidel would be not so much one who refused to believe, as one who refused to work, for work would be the sublimest expression of faith.

There would be no labor problem under such a conception as that. Let the world accept the idea that work is the one thing that unites us closest to the Creator, that it is in the highest sense an act of devotion, and there would be no question of hours and wages of labor. Even the humblest worker would be ennobled.

The digging of a ditch, the sweeping of a street, the feeding of a furnace with coal, the cleaning of a sewer, would have stamped upon it the seal of divinity. There would be no such division as capital and labor. There would be no classes. All would be workers.

This is a mere dream, it will be said. But it is a grand ideal, toward which the world is making progress slowly, it is true, but surely.

It has been only forty years since slavery was abolished in this country. Yet what progress has been made in that time, the world over, toward this ideal. What a new dignity now attaches to work. It was

not many years ago when work seemed degrading, when the "gentleman" was the man of leisure. Now the millionaire idler has become an object of scorn. The line once drawn between business and the professions has disappeared. The social ostracism of "trade" no longer exists. Our new leaders are captains of industry. Our young men are becoming engineers, are qualifying themselves to be experts in different lines of manufacturing. They are not afraid to soil their hands, to wear overalls or to use tools. The man who does things has become a type of the age.

A manager of one of our largest railroads only a few years ago, on graduating from college, found, although he moved in polite society, that the only employment he could secure was as a cleaner of tools used by other workmen in a steel mill.

"I will clean the tools well," he said, as he went to his humble employment; and in doing so he unlocked the door of success.

Something, therefore, has been gained. It is only a step further to the grand idea of work, as an act of worship, a divine employment, a share in the sublime scheme of creation.

Granted that the step seems a far one, and the time in which the race may reach the ideal is long, still each may at least adopt the ideal for himself, and thus lighten his labor, dignify his daily task and impart a superb motive to his whole life. But he should make sure that his tools are clean, and that he does not justify means to the end. It is not so much the thing done as the doing it that constitutes this ideal. Re-

sults do not count that are achieved with tools and methods that are not clean. A man who has achieved much has really lost all unless he has worked along the lines of justice and truth.

UNIONS EDUCATING UNIONS.

EDITORIAL: CHICAGO CHRONICLE.

When certain union teamsters who had been directed by their officers to engage in no sympathetic strikes went to a Chicago establishment at which a strike was in progress they were received by walking delegates, educational committees and wrecking crews and their adherents in a manner usually reserved for the class of American citizens known as "scabs."

Some of these loyal unionists were dragged from their wagons and walked on. Some of them received bricks behind the ears. Some were bruised with clubs. All were greeted with derisive cries, epithets and threats. They would have been fit subjects for the hospital and the morgue if a detachment of police had not been near at hand and disposed to rescue them from their assailants.

We wonder if the union men who had this experience will learn anything from it. As they salve their wounds and nurse their bruises will it occur to them that violence is the worst of all methods to settle a dispute? Will it dawn upon their battered sensibilities that if a mob may be permitted to run things in one

case it is likely very soon to assume control in all cases?

The men who have been at the head of the labor movement here of late have taught violence, and nothing but violence, as the first and the last resort of their followers in every controversy. They have educated a large number of ignorant and reckless people on this line. They have many organizations and some thousands of adherents who, partly by reason of false teaching and partly by reason of official demagoguery, have come to believe that crimes committed in the name of unionism are not crimes and that laws bearing upon other people do not apply to them.

The Chronicle has pointed out more than once that such conditions as these can have no other result than unrestrained lawlessness in which there can be security for nobody and from which unionists themselves are quite as likely to suffer as anybody else. This has been the history of all disorders and it will be the history of labor union disorders.

No doubt there were good reasons for the refusal of the teamsters in this case to enter upon a sympathetic strike. When sympathetic strikes prevail there will be little industry, for desperate men are certain to count upon them and to make their plans accordingly.

But whether the reasons were good or bad, the teamsters who declined to strike and who went about their lawful business are probably agreed that the methods adopted by the strikers to enlist their sympathy were highly reprehensible in that they substituted

force for reason and denied to men acting within the law free choice in the matter of employment.

Where such savagery prevails there can be no substantial progress for labor, and industry itself cannot fail to suffer permanent injury to the detriment of employer as well as employe.

The man who has nothing to sell but his services may be taught differently by demagogues and fanatics, but his interest in the maintenance of law is greater than that of most men who have great possessions of money, lands, buildings and securities. The rich man can get away from disorder. The poor man must stay and face it and stand the consequences.

In the long run, however, there is no safety for anybody in these matters except in obedience to law and respect for the rights of others.

This used to be habitual with the American people. It will be habitual with them again when the element which is now under the influence of self-seeking revolutionists and the riot press come to a full appreciation of the folly and the danger of lawlessness.

HATRED OF THE RICH.

EDITORIAL: WALL STREET JOURNAL.

Bishop Spalding of Illinois says truly that in this country the poor have never hated the rich, though there has been occasionally a great outcry against their dishonesty and ruthlessness.

The reason why the poor in America have not hated

the rich is because most of the American rich have developed from the ranks of the poor, and every poor man knows that he has within him the possibilities of attaining wealth. In the ranks of the poor are to be found the recruits for the great positions of control of the capital of the country. There has indeed recently developed a note of hopelessness which is expressed by John Mitchell, in his book, that the average wage-earner has made up his mind that he must forever remain a wage-earner. But it is doubtful whether that, indeed, is the mental condition of a majority of the wage-earners of the country, few of whom have not within them a deep-seated hope that they may be able at some time to cross the line that separates them from the empire of capital. Moreover, it may be said that notwithstanding the immense changes which have taken place in the organization of business in the past twenty years, the opportunities for the poor man are still many, and no man who feels that he may possibly become some day a capitalist himself is likely to long indulge a hatred of the rich.

That there are certain persons in this country who are ever seeking to inspire such a hatred, there is no doubt. Deliberate attempts are made from time to time to create a bitter class feeling in this country and to array the poor against the rich, the wage-earner against the capitalist. Yellow journalism has, partly for business, and partly for political reasons, partly to increase circulation, and partly to further ambition for political honor, done much to inflame the passions of the poor against the rich. While this is not the most dangerous

and demoralizing evil of yellow journalism, it is one of the evils which are rightly chargeable against it.

It must be confessed also that capital by its excesses and its lust for power has been giving aid and encouragement to these efforts. If capital does not wish to create a condition in this country where hatred of the rich shall be the dominant feeling, moving the majority of the American people, it must see to it that it keeps within proper control, that it does not abridge the opportunities of the poor, that it does not oppress them, that it does not use its power of concentrated wealth to annihilate competition and corrupt politics. If wealth will conduct itself in moderation, hold itself in subjection to law, and keep itself from excesses and greed, there is no danger that any efforts to inflame the poor with hatred of the rich will be successful.

SOCIALISM DESTROYS PROSPERITY.

The inability of socialism to create a prosperous state where it has had a free field in an unoccupied territory is clearly shown in an article in this issue on "Australia's Promise and Peril." At the entrance to the harbor of New York stands the statue of "Liberty Enlightening the World." No such statue beckons the toiling millions of the world to seek in Australia the promised land of liberty, peace and plenty. No such invitation issues from the socialistic government or experience of Australia. Any policy of a state that tends to destroy individual initiative and enterprise;

any industrial policy that tends to hold back the most energetic and capable to the level of the average man or the less competent, tends to destroy liberty, peace and plenty. This fact is understood by the toilers who compose the streams of emigrants constantly moving from one country to another in search of opportunity to use their power to labor to a better advantage than they can find in the land of their birth. Socialism in practice repels the workers whose welfare it is its theory to promote. Of this fact the streams of emigration flowing into the United States, and the drouth experienced by Australia, are a practical demonstration. Wherever conditions of public employment are made easier than they are in private employment the many in private employment are compelled to make up the difference from the earnings of their toil. When every worker in this country knows and understands this fact the sophistry of those who advocate an eight-hour day for government employes will fail to find support from those who would become its victims.

AUSTRALIA'S PROMISE AND PERIL.

EDITORIAL: BOSTON EVENING TRANSCRIPT.

The defeat and resignation of the Australian Federal ministry on a new issue preferred by the "labor party," so called, raises a grave question whither the course of experimental paternalism which this land of promise is pursuing will lead it. The rest of Christendom has watched these experiments with absorbing interest,

alternating between hope and doubt. On one point at least, agreement has been nearly unanimous; that if ever the new theories of industrial and social welfare were to be fully and fairly tested under plastic conditions unhampered by the weight of tradition and vested interests, Australasia was the chosen spot of earth, providentially reserved, as it were, for this benign purpose.

And it may be that much will indeed be wrought out in these new workshops to the profit of mankind. Every young civilization has been schoolmaster in some particulars, if not many, to its older neighbors. But as Australian experience develops it is becoming clearer that even more old truths are being reaffirmed than new ones brought out. For example, the building up of a healthy, well-balanced, prosperous civilization in a new land has always depended chiefly upon freedom of opportunity for individual enterprise. Not even the wealthiest and most complex societies to-day find it possible to discourage or dispense with this vital element—much less Australia and her lesser neighbors. With a territory nearly as large as that of the United States, Australia supports hardly more than three and a half million souls, 115 years after settlement by white men began. The grand need is for colonization; men who will strike into the wilderness and hew out new centers of production, trade and habitation, or stake their all in new industries for uncertain and relatively meager markets, waiting for the slow rewards of time and sacrifice.

Canada is encouraging the influx of such men;

Australia doubtless wants them too, but the whole trend of her public policy at present favors the element whose main interest is in the distribution rather than the creation of wealth. There is much to commend in the idea of starting off in a new country with proper factory and hours-of-labor regulations; but the fact cannot be arbitrarily dismissed that ample leisure is not one of the normal first fruits of pioneer civilization. Limitations on hours of service should be reasonable and advance with the general social and economic progress, but it is a highly doubtful experiment to fix them at once at the extreme outpost that has been found possible in rich and populous communities where the need of extra exertion has long since been offset by almost unlimited employment of capital and labor-saving aids to production.

Australian laws not only press hard upon the entrepreneur on this side, fixing minimum wage rates, the eight-hour day, and virtually compelling employment of union labor only, but the state shows every disposition to enter the industrial field as a competing factor, extremely liable, as experience in these ventures shows, to deficits which must be made up by taxation drawn from the earnings of private industry. Not only are the railways, tramways, telegraph service and the like operated by the state, but New South Wales has a state clothing factory, railway supply shops, and is considering proposals for government steel and iron works, locomotive shops, and a wire-netting plant; the minister of public works boasts of having "expended five millions in providing employ-

ment for state workers," and the easy-going "government stroke" has become a familiar phrase.

Federal protection to home industries is afforded, to be sure, but it is a question whether it will accomplish the end desired, with the heavy offsets of increasing taxation, increasing interest rates on the swelling public debt, the threat of more and more state competition with private enterprise, the radical forcing of advanced labor conditions desirable in themselves, but a severe strain on the slender resources of infant industries; and, withal, the continuing success of political powers committed to these policies. There can be little doubt that the present rush of emigration from Australia, due in part to crop failures, is also in large measure the outcome of this unfavorable attitude toward middle-class interests. The excess of newcomers over emigrants in the last census decade was only about 5,000, as compared with an average of some 250,000 for each of the three previous periods. Victoria, which, if anything, has surpassed New South Wales in "social experiment," lost 112,000 more than the new arrivals; in New South Wales the excess of immigrants was less than 10,000, and in the last two years the balance has been the other way. The one notable excess of arrivals over departures (130,000) was in the remote and desolate territory of western Australia. Those who are leaving, according to the Australian Globe, are "mostly a class who have been born or long-settled in Australia, many being steady, competent tradesmen; not a few belonging to the ranks of mas-

ter craftsmen, others being pastoralists, farmers, station hands; in fact, the very men of which the commonwealth stands in most need."

It will be well if the possession of larger responsibility by the now dominant political forces brings a new disposition to heed these signs of menace. Social reforms which do not include the welfare of all the necessary groups in a stable, vigorous civilization will go lop-sided and fail to teach the lessons of promise other peoples have been waiting to learn.

LABOR UNIONS AND SOCIALISM.

EDITORIAL: CHICAGO CHRONICLE.

Trades union outcry against the situation in Las Animas county, Colorado, justifies the belief that the trades union socialists are either repudiating their socialism or that they do not know what socialism really means.

Socialism, in its fundamentals, contemplates the ascendancy of government in all the affairs of life. It means the interposition of government not only in public but in private matters.

Under a socialistic form of government the individual would be a mere grown-up infant, to be fed, nursed, coddled or spanked according to his needs. There would be no toleration of anything like attempts at individualism. Government would relentlessly repress individualistic manifestations as tending

to disturb that dead level of equality and mediocrity contemplated by the advocates of socialism.

The trades union socialists profess to yearn for such a condition of human society, yet they inveigh bitterly at the action of the Colorado government in exemplifying, in a small way, the very principles which they profess. They characterize the proclamation of martial law as tyrannical and the attitude of Governor Peabody as revolutionary, yet the proclamation and the gubernatorial attitude are both in consonance with the theories of the high priests of socialism. They mark the acute stage of the conflict between government and individualism.

That is to say, the Colorado miner-socialists are seeking to set up their individual ideas against government as represented by the governor and the state militia. In defiance of all socialistic doctrine they undertake to say that they—a mere handful of individuals—have rights superior to those of the great majority of the population. They assert that government has no right to coerce them into doing anything that they do not want to do.

This, of course, is a flat denial of the very basic dogma of socialism, which teaches that the government is everything and the individual nothing. It indicates, as was premised, that the Colorado labor union socialists are becoming doubtful of the orthodoxy of the socialistic doctrine when it happens to come into violent collision with their own purposes and ideas.

Perhaps, indeed, the real trades union idea of socialism is that the trades unions should constitute

the government and that the rest of the population should be the governed. Such, at any rate, seems to be a reasonable inference from the situation.

WHO ARE RESPONSIBLE?

When things go wrong in any organization, industrial, social or political, fixing responsibility for the blunder is always wise and necessary. Unless this is done confidence in the present management and hope for future usefulness must become seriously impaired.

A person who would attempt to justify wrongdoing because others are guilty of the same or similar conduct is not a safe person to be in the management of any kind of associated effort. In fact, he is not a safe person to have the management of himself. He is a victim of vice, not a master of liberty.

Undesirable industrial conditions, so far as they are created by trade unionism, have two causes: First, honest-minded leaders, sincerely working for the uplifting of their class, have narrow views and very imperfect perceptions of the true principles that must govern all associated effort, if such effort is to result in a real and permanent benefit for all persons interested. Honest but misguided zeal is frequently more damaging to a cause than outright incapacity and venality. It is very difficult to convince an honest-minded man who thinks himself well informed, because he does not know enough to know he is wrong. Believing himself to be right, he will resent

every effort to show him wherein he is wrong. He cannot understand that the successes of ignorance must necessarily be mistakes. This class of persons occupying positions of leadership in trade unionism do the cause of labor more harm than all others combined. The second cause of undesirable industrial conditions is the influence and leadership of charlatans. These persons are not all found in the membership of trades unions. They are in evidence in the ranks of employers and the mechanism of political parties. Those who seek to gain their ends by corrupt means have little appreciation of and care for the principles of justice. Their chief concern is to make money and gain power, and keep out of jail. They care nothing for the consequences of their acts as they may affect others. This class of men are not defeated, they are strengthened, by compromises. The only thing for which they have the least respect is a power that can put them out of commission.

When honest-minded and intelligent men bind themselves to the ignorant, vicious or corrupt, they must control the organization or suffer from the bad company they are in. This is the case of labor union leaders who denounce sympathetic strikes, the assessment of "waiting pay" on employers for the settlement of strikes and lawlessness, and violence in all its forms. If they are not strong enough to control the conduct of unions they are not true leaders. They are the led and must suffer the consequences of bad leadership.

JOHN MITCHELL ON VIOLENCE.

EDITORIAL: CHICAGO TRIBUNE.

The leaders of the working class of America will indorse what John Mitchell, the leader of the leaders, says in this week's Interior: "It is perfectly just that all forms of violence be visited with condign and summary punishment." "If it were true that all strikes would fail if physical force could not be resorted to, it would be better to demonstrate that fact, and to seek remedy in other directions than to permit strikes to degenerate into conflicts between armed men."

Thus speak, and thus will speak, the responsible men who are guiding the trade union movement. Mr. Mitchell, the president of a great union of unions, says publicly that he would prefer the extinction of the union to the acceptance of violence as the determining factor in strikes.

How does it happen, then, that Mr. Mitchell is not able to draw all of his subordinates up to his own high standards?

BLACK AND BLACK MAKE BLACK.

One reason for the difference between the ideals of the leaders and the practices of the subordinates is to be found in the temper of present-day society. How easy mutual recriminations are! And how just! When a union restricts the number of its apprentices, thereby interposing an artificial barrier to the learning of a trade, how just and how easy it is to point to

the large corporations like the coal railroads, which pile up their product at a point remote from the market and then wait for the advance in prices! When the teamsters of Chicago interrupt funeral processions, insulting the dead, how just and how easy it is to point to the diphtheritic antitoxin trust which crushed competition, debauched legislatures and doubled prices, thereby killing the living! When the unions are charged with employing corrupt business agents like Parks, how just and how easy it is to point to the part which the Chicago street railroad companies have played in the Legislature at Springfield!

This "you're another" argument is not an exculpation. Black does not lose its tint when it is covered with another coat of black. The only deduction that can be made from the comparison of the lawlessness of the trade unions and the lawlessness of the corporations is that the nation cannot consider the mote which is in its left eye without considering the beam which is in its right.

VIOLENCE AND TENEMENTS.

But it is not only true that trade union lawlessness is connected with the general lawlessness which pulpit, platform, press and public unite in condemning. It is also true that the American working class of to-day is quite different from the American working class of a hundred years ago, and is much more likely to adopt violent methods.

The representative of the working class of a hun-

dred years ago was the artisan, working in a community which the modern world would regard as a village, breathing the fresh air, building his little cottage, and living his life through without much concern about education or about politics. In most of the American colonies the right of suffrage was separated from the artisan by the wall of a high property qualification.

The representative of the working class of to-day is the factory operative, confined to a set task, removed farther and farther from the responsibilities of management, as such responsibilities concentrate themselves gradually into the hands of fewer and fewer men, weakened morally by the absence of the responsibilities in question, reduced to the position of an automaton, living in crowded, insanitary tenement districts which are themselves one of the problems of the modern world, weakened physically by his surroundings, retaining superficial traces of the imperfect education which he received in the public schools, gathering information and ambition from the daily papers, exercising the right of suffrage, restless and irreverent.

It is a case where unless there is an outlet something will break.

TRADE UNIONS OR WORSE.

Trade unionism is the outlet. As it makes its way forth, bearing on its bosom the ambitions of the working class, it is accompanied frequently by violence. Society is reaping the crop which it has sown

in the tenement districts. The state's attorney of Cook county has pointed out the fact that almost all the burglaries and holdups of this community can be traced to young men resident in tenement districts. The violent members of the violent trade unions are resident in tenement districts. When they go into trade unions they carry with them the ideals of their districts. They must be punished just as burglars and holdup men must be punished. But if the method of punishing them is to be the destruction of their unions, John Mitchell has incidentally indicated what will happen.

"It will then be necessary," says he, "to secure reforms for workingmen exclusively through political action." Anybody who wishes to see the working class go into politics for the advancement of its own class interests through the control of the city, state and national governments could do nothing better than to try to dam up the non-political outlet which the working class now has. Immediate municipal ownership in Chicago was an idea supported almost entirely by a trade union agitation. It carried the last election by a large majority. This is a political force that is not negligible.

John Mitchell hits the nail on the head.

TRADES UNIONS AND INDUSTRIAL FREEDOM ON THE PACIFIC COAST.

EDITORIAL: NEW YORK JOURNAL OF COMMERCE.

With the possible exception of Chicago, none of the great cities of the country has suffered so much from the tyrannical exactions of the trades unions as San Francisco. Demagogism of the kind that truckles to the worst forms of union tyranny and appeals to the least scrupulous methods of union management has dominated the local politics of San Francisco, has proved a serious hindrance to the growth of its trade, and, up to a time not yet twelve months old, has terrorized its business community into a state of abject subjection.

When this despotism became too odious to be borne it brought about the formation of various organizations of employers, manufacturers and others, in response to the call of an emergency, with whose passing, however, the organization usually ceased to exist. It was felt by all thoughtful observers of the situation that the far-reaching nature of the injury inflicted by repeated excesses of power on the part of the labor unions demanded more thorough and discriminating treatment than could be expected of men banded together to meet interference in their personal affairs. There was, accordingly, formed, under the title of the Citizens' Alliance, an organization of "the community of the third party," heretofore not considered in these industrial wars, but the party

that endures their cost and loss and stands impartially between the immediate parties to the conflict. This association was avowedly formed for "protection against the boycott, coercion, persecution of non-union labor, and other usurpations and oppressive acts of labor unions." Its declared object was "to promote the stability of business and the steady employment of labor, whether organized or unorganized, by encouraging friendly relations between employers and employes, and to discourage lockouts, strikes and boycotts and all kindred movements which savor of persecution." It further aimed to protect its members in their inalienable right to manage their business in such lawful manner as they deemed proper, without domination or coercion by any organized movement whatever.

The alliance numbers about 20,000 members, and its method of procedure is, when a boycott or strike takes place, to investigate the matter thoroughly, and if the action is found to be unjust, to exercise all its influence to redress the injustice. The mode of action adopted can best be illustrated by one of its circulars of recent date, referring to a specific case, which formed the subject of investigation by the officers of the alliance, as follows:

"The firm of ——— are boycotted and are listed by the unions as an unfair house. The matter of this boycott and listing has been examined by us, and, after careful consideration, we conclude that it is unjust. This boycott is what is known as a 'quiet boycott'—that is, there are no union pickets or sand-

wich men in front of the store, as the unions found that such a method was not so effective a boycott, as it served somewhat to advertise the store. Messrs. ——— are members of the Citizens' Alliance and entitled to our support. We ask that you assist ——— by patronizing them for articles in their line which you may require."

The success which has attended the work of the alliance has been sufficient to lift from San Francisco the reproach of being a union-ridden city. It has improved the relations between employers and employed, because it has relieved workingmen themselves from oppression at the hands of the professional agitators and politicians of the union, and has brought to an end the unchallenged supremacy of labor domination from below. The alliance challenges the right of the labor union to exceed the sovereignty of the state, and to assume to be superior to the civil and moral obligations of citizenship. It declares that the misuse of the power of organization in the hands of professional agitators has not only caused serious and defiant violation of law and destruction of life and property, but has gone farther than present injury by striking at the future welfare of the country in matters of vital importance. It argues, with obvious justice, that the limitation of apprenticeship to the handicrafts has practically outlawed our native youth. "Forbidden the right to learn a trade, they must either overcrowd the professions or fester in the vices of idleness until they require the restraint of reform schools and prisons."

Criminal statistics show that 80 per cent of our prison population are persons who learned no trade or handicraft. In addition to this denial of the right of apprenticeship to American youth, ambitious labor agitators claim the right to license American labor and to enforce the license by denying to all non-union labor the right to work at all. This extraordinary infringement of natural right is enforced by the boycott and by maiming and murder.

It is unquestionably true that the judicious friends of union labor deplore these excesses. At the same time the places in our industries that should be filled by training American youth are occupied by ever-increasing foreign immigration, which is immediately taken into the unions and taught that it must depend upon the unions and the union oath, and not upon the laws of the country and its oath of allegiance. Thus, while it should be the first object of civic influence to have the immigrant assimilated to our political institutions, under the union policy his first training is in lawlessness and disorder, and he is apt to remain an alien increment, thankless for his asylum and ungrateful for his liberty. These considerations, and much more to the same effect, have found such general acceptance among the citizens of San Francisco that 85 per cent of its business people who have signs on their windows or over their doors belong to the Citizens' Alliance. Branches of the organization have been established in Sacramento and other cities of the state, and the movement is about to spread to Butte City, Mont., the recognized stronghold of one

great branch of unionism. Farmers' locals are being started in seven counties in the vicinity of San Francisco, and it is claimed that by next December every farmer in the state will belong to one of these associations. On the whole, the Citizens' Alliance of San Francisco has accomplished, in a comparatively short time, a very remarkable piece of work, and has had an experience which ought to be full of encouragement to the people of other cities who are seriously considering a similar set of problems. If such results can be accomplished by a little energy and resolution, in so unpromising a field as that presented by the chief city of California, there need be no hesitation in assuming that the application of similar methods would be at least equally efficacious elsewhere.

MERIT LABOR UNIONS.

The "Sensible Talk to Workers," by President C. S. Mellen of the New York, New Haven & Hartford Railroad, published in this issue, contains as much good instruction for employers and others as it does for workingmen. His characterization of trades unionism as it exists to-day is strikingly caustic and just. When he says "men of affairs are not looking for firebrands, for trouble breeders, for talkers, but rather for the quiet man who works while others do the talking, the one who is as much interested in his work as in his wages," he states a truth that should require no

argument to enforce it upon the minds of every workingman who does his own thinking.

When he declares that trades unions, as now managed, are "a good thing for the drone, the inefficient man, for the walking delegate and the officers, but are unnecessary for the man who has the stuff and courage within himself to carve his own way in the world" he puts into words the experience of every man who has been successful in working his way from employe to employer. Not one man has been aided in doing this by trades unionism. The practical effect of trades unionism is to average the earnings of the lame, the halt and the weary with the really competent. This can be done only at the expense of the competent. Seeing these things clearly, President Mellen shows shrewd judgment when he says he wishes all good men to join the unions because he wishes "to have in the unions the conservative influence of many of the good men who are out, to counteract the floater, the anarchist, the man who has nothing at stake in the world, who works with his mouth more than his hands." He drives this point home by declaring, "Apathy is the opportunity of the demagogue, the anarchist, the floater, who has nothing to lose." This is true of every encroachment upon the rights of the people, by whomever made. Those who concoct schemes for their own profit at the expense of others can safely rely for protection upon the old proverb, "Everybody's business is nobody's business, therefore nobody will attend to it." While the apathetic sleep the evil work is done.

Only when intelligent men who are as much interested in their work as in their wages assert themselves as members of trades unions and demand preference for superior skill, diligence and stability, will trades unionism be placed on a rational and solid basis of merit. When unions become competent to contract to supply all the labor an establishment may require, to guarantee the character and the amount of work to be done, they will make a union card a certificate of merit, entitled to preference by any employer, and such preference will be compelled without argument or coercion. It will be commanded by the self-interest of the employer. Trades unions that can accomplish such a result will have no trouble with the question of open or closed shops. All shops will be open to them, they will close all shops to firebrands, trouble breeders and men who work overtime with their mouths and undertime with their hands.

There is an abundance of ability in the ranks of every class of workmen to form MERIT UNIONS. All it requires is organizing. To do this the apathy of the men who work while others talk must be overcome by those who are capable of pointing out the way to a true union of competent labor for the promotion of efficiency.

SENSIBLE TALK TO WORKERS.

WHAT UNIONS MEAN TO WAGE EARNERS.

President C. S. Mellen of the New York, New Haven & Hartford Railroad was warmly received in Hartford

by members of the West Side Workingmen's Club, to which he delivered an address. President Mellen, above all, said he wished to merit and enjoy the confidence and good-will of workingmen, especially those employed by the New Haven company, and particularly when the relationships with his employes were strained, as they happen to be at the present time. He said that he was nothing more than a workingman himself. He was born of parents who had to work for a living, and he declared that he had personal knowledge of the trials and privations of living on a small income. From childhood on he had remembrances of denials and economies necessary to preserve existence. Then he said:

"Therefore, I speak to you from the platform of equality, from the standpoint of experience, from the position of a well-wisher, and from a desire to be of assistance, for I have only contempt for the man who forgets his forbears, who believes himself of better class than his neighbors, who ignores and seeks to consign to oblivion his days of small beginning, who tries to draw up the ladder by which he has climbed, or who, conscious of his own inefficiency, seeks to obstruct others, for fear he may be passed in his struggle for the goal.

"I yield to no one of you that you have worked harder, or longer hours, or for less pay; that you have had harder taskmasters or more disagreeable; that you have been more apprehensive of the future, or more bitter over injustice, or that the period of discouragement ever has made the world darker

than seemed possible to bear, so dark that almost any change was a promise of improvement.

"The hope and future of this country lie in the common people, in the workingmen, in yourselves. But men of affairs are not looking for firebrands, for trouble breeders, for talkers, but rather for the quiet man who works while others do the talking, the one who is as much interested in his work as his wages.

"To those of you who belong to unions I wish to say that I believe they have accomplished much good, but they are nevertheless not an unmixed blessing to the laboring man. They are a good thing for the drone, the inefficient man, for the walking delegate and the officers, but are unnecessary for the man who has the stuff and courage within himself to carve his own way in the world. Therefore, when I say unions do much good I mean they help the lame, the halt and the weary at the expense of the really competent.

"Divested of all claptrap, the union is simply a means of averaging wages, and an employer views it as such. It is a device for making those who are willing to work care for those who want to 'soldier.' I regard the unions as a condition that has come to stay; that I have no prejudice whatever to properly conducted ones, and express my wish that our men generally would join them, not that I would run a union plant as such, for I would not coerce my men to consent to discrimination as between those who were and who were not members, but I would wish

to have in the unions the conservative influence of many of the good men who are out, to counteract the floater, the anarchist, the man who has nothing at stake in the world, who works with his mouth more than his hands.

"The trouble with unionism is its intolerance. The rule of seniority is a bad one. In the short time I have been in authority here I have been restricted from advancing those who had attracted my attention by their ability, through this rule. No one interest has done more to promote the trust or combination, the larger corporation, than organized labor. It has forced them into existence for protection from exaction.

"And to what does it all tend? Given all your hot-heads seek and there will be no one to employ you and public corporations must be run by the government. Capital will not seek investment where nothing but loss and controversy are to result. The hothead must be retired, or in the contest in which he will involve you you will go down in defeat. The contest will not be determined by numbers. Education and brains will outweigh numbers and brawn. The spectacled student is to be the general of future armies.

"My advice to you who have families, who have a stake in the world, is to join your unions and make yourselves felt in them. Be always a force for conservatism. Your apathy is the opportunity of the demagogue, the anarchist, the floater, who has nothing to lose. I desire to go on record here in declaring

that arbitrary, unreasonable exercise of power by those temporarily in authority is as offensive to me as to any of you, and I am disposed to neither countenance nor condone it.

"With business falling off, day by day, here in New England, I find my political friends opposing an enlargement of our markets and preferring a phrase, 'stand pat,' to the substance that reciprocity with our neighbor, Canada, would give us, and when I feel they ought to know better, it is not in me too severely to criticize the employes of our company who feel they should have higher wages, when the conditions with which we are surrounded compel us to disagree with them.

"I would like to pay the men of our company better wages, but if I do it someone else will take my place who will bring about an equitable comparison. If our employes could only know the struggle it has been in the last few months to keep so many of them at work at all, they would feel our officials have had their interests in mind much more than they are willing to admit. I would not strike for money, but only to resent injustice, and none of our men need strike for that reason while I am in a position of authority."

ENEMIES OF UNIONISM.

EDITORIAL: WALL STREET JOURNAL.

A friend of ours sends us a compilation of facts gathered from the daily newspapers relative to crimes

committed by labor unionists in the United States during the twelve months ended January 31, 1904. We have space to print only the totals, which are as follows:

Murder and suicide.....	20
Assault on persons.....	383
Intimidation of persons.....	27
Interference with funerals.....	18
Assaults on the home.....	6
Assaults on mercantile and manufacturing establishments	46
Assaults on railroads.....	39
Assaults on the state.....	17

Total 556

Remembering that the record is obviously most incomplete, this is a most discouraging showing. It is easy to see how these things have occurred, but it is impossible to excuse them. We have referred more than once in times past to records of this kind, and have pointed out how terribly they hurt the cause of labor unionism, and there is nothing new to say about them now. They tell their own story.

Labor leaders in this country are probably unable, at all times, to control the actions of all their members. In the nature of things this must be so, for it is true of every organization. Nevertheless, surely they must recognize the need for a particularly vigorous effort on their part to stop this sort of thing. It is usual for human nature to go on the principle that one wrong justifies another, and that two wrongs

make a right. Unfortunately, men in all walks of life too often act upon this principle. It is not enough for labor leaders to say that union men are no worse than anybody else. In the present condition of society it is surely to the very best interest of unionism that its leaders and its members should earnestly attempt to stand and walk upon a higher plane than that of humanity in general. Labor leaders claim that union men are better workmen than non-union men, and they should exact from them the higher sense of responsibility that should accompany the higher level of ability claimed. There are some labor leaders who exercise their utmost influence against violence, but there are far too many who are content to shirk their responsibility, and evade the performance of their duty, in this respect.

Labor unionism is still, in a measure, on trial, and evidence such as that given above is damning in the eye of the general public, whose sympathy is most surely needed by union labor. The strike that is lost without violence is better, in the long run, for union labor than the strike that is won with violence. If there be truth in the principle of organization for labor (as we firmly believe there is) it will ultimately prevail. Violence is injustice, and injustice is a wrong against truth, and can but delay the truth's recognition and hinder its application.

The people of the United States will not long permit conditions of civil war to exist in any part of the community. If strike be pushed beyond the limits of toleration, it may easily happen that, in quell-

ing it, injustice will be meted out to the offending party. At present the sympathy of the people is evoked by union labor, for the laboring man occupies the position of the "under dog," to whom sympathy always goes out. Public sympathy, however, cannot but be weakened by the development of tyrannous methods in union quarrels. Union labor forms but a very small portion of the total population, a mere fraction, in fact. Cannot its leaders see that they are pushing endurance to its farthest limit? Cannot they see what will happen when that limit has been passed?

THE DAWN OF REASON IN LABOR PROBLEMS.

We present in this issue an admirable discussion of the labor problem, as presented by trades unionism and employers' unionism, by Mr. Hayes Robbins, under the title of "Is It the 'Trusts' or the Unions?" We wish we could induce every member of a trade union, every member of an employers' and every member of "the party of the third part" to read and carefully consider what Mr. Robbins says in this article. We would here repeat all that he says under the subtitle of "Systematic Bribery Would Defeat Itself" if we did not fear that, by so doing, we might prevent some superficial reader, who would think he had thus obtained the pith of the article, from reading it as a whole.

There is a lesson here for more than members of

unions of employes or of employers. It can be applied to the evil of bribery and corruption wherever found. There is a limit to what any person or organization can afford to pay for anything that can be obtained by corruption, but there is no limit to what a corrupt walking delegate or a member of a legislative body can and will demand if buyers are known to be in the market. Temporary advantages may be gained by bribery. It may give some individuals a chance to secure illegitimate gains, but it cannot induce satisfactory settlements that are a permanent gain for all parties affected by them. This must be done by reason, not bribery. Every person in a representative position, whether it be political or commercial, who accepts or pays a bribe, is a worse enemy to the interests he represents than its recognized opponents.

Upon two points trades unionism is being punished most severely—bribery and brutality. One is developed by submission to blackmail by employes who are forced to so protect their temporary interests. The other is developed by the demand for a "closed shop." Bribery and brutality admit of no conciliation or compromise. They are wholly immoral and vicious. Those who are guilty of advising or practicing them must be ruled out of court, they must be denied standing in any conference where honesty and intelligence are to prevail. Evidence is accumulating that tends to show that sagacious leaders are cognizant of this fact and are inclined to purge themselves of all charges of dallying with these evils.

With their subsidence reason will become master in the councils of those who have to do with labor problems. At the recent meeting of the National Manufacturers' Association Mr. Parry, its president, said: "The net results of the year's campaign have been decidedly in the direction of a better understanding between employer and employes as to the rights of each."

A better understanding results from the dawn of reason, the subsidence of bribery and brutality.

IS IT THE "TRUSTS" OR THE UNIONS?

BY HAYES ROBBINS, WINCHESTER, MASS.

WHAT ARE THE EMPLOYERS' ASSOCIATIONS REALLY FIGHTING?—IS THERE AN "OCTOPUS" IN THE CASE, OR HAVE THE LABOR UNIONS THEMSELVES BROUGHT ON THE CONFLICT?

Not in many years has the world of industry produced anything quite so unique as the employers' associations, or what might be called "employers' unions," formed to checkmate the strides of labor unions, all over the country. To be sure, the "trust" climax of 1899-1900 was more startling, but after all it was quite in line with what had been going on for years. Not so with this new employers' movement. This seems to mark an actual right-about-face in the relations that have existed between employers and wage-earners during the last hundred years. Until now it

has been the workingmen who were driven to organize, to fight the "oppressors." The power of capital was overwhelming. Laborers, isolated, were helpless. United, if they could make a little headway against the giant, well and good; but hold their own they must at all hazards.

A REMARKABLE REVERSAL.

Behold the wonderful change to-day. These same labor unions, once despised and tabooed everywhere, have become so strong that it is the employers themselves who are forced to unite for common defense, however little they like each other on other counts. Labor is supposed to be doing the "oppressing." Capital is casting about for ways and means to hold its own. And this is why we have some six hundred or more of these employers' associations and citizens' alliances, most of them less than two years old, and a large number of them now standing together in a national organization, the "Citizens' Industrial Association of America," promoted by David M. Parry, the energetic Indianapolis carriage manufacturer, who has been twice elected president of the National Association of Manufacturers.

AN ACCUSATION, NOT AN EXPLANATION.

On the face of it, such a change is remarkable. And it is not surprising that some of the efforts to explain it are more or less sensational. The natural cause that seems to be plainly enough in sight for everybody who runs to read is simply that it is due to the grip organized labor has obtained upon a large

portion of the manufacturing industries of the country, and the excesses and abuses to which it too often lends itself. But another explanation has been offered which is really more of an accusation—that the labor unions do not lie at the root of the matter; they are only surface disturbers, only “tools” in the hands of other and far mightier powers making for the ruin of independent private enterprise everywhere, and the new employers’ movement was forced into being because of these powers in the background, but for which the labor unions could never have grown into the menace they are.

It seems very easy to find a deep-laid plot at the bottom of every new phase of the industrial problem. The special villainy supposed to underlie this employers’ movement is that the trusts, or, at any rate, the large and powerful interests, have made corrupt “deals” with labor “bosses” whereby plenty of help is to be guaranteed at all times and no strikes declared, but as much trouble as possible stirred up for the smaller and rival concerns. Hence the latter have had to make common cause or be ground to powder between the upper and nether millstones of the dastardly scheme. It all sounds so simple that if the trusts have not actually gone into it yet one would think they must feel a debt of gratitude to the imagination which could evolve so fertile a hint. But perhaps they realize that it is not so easy after all.

WHY THE LARGE CONCERNS WANT PEACE.

The very ordinary fact which may have suggested

the possibility of this network of capitalist deviltry is that the larger the business the more important it is to have production go on without interruption. This means, of course, that harmony with labor is a vital point. A great industry, therefore, finds it particularly good policy to adopt a liberal attitude toward its employees. As a rule, it can afford this much better than a long shut-down. For instance, the most important increases in wages during the last few prosperous years have been those granted voluntarily by large concerns. The very clockwork nature of a colossal industry, the dependence of all its operations upon each other, makes it all the more easily open to attack. A strike among the boys or girls who look after the bobbins on the spinning frames in a modern cotton mill will halt the entire process, for the time being, just as completely as if all the hands should walk out in a body. So far as the running of a watch is concerned, you might as well strike it a blow with a hammer as to break out one or two cogs. The case is not always so definite as that, in a factory, but it resembles it in most of them, in some very closely.

A TERRIFIC INDICTMENT.

Employers of armies of workingmen realize this practical fact more and more. They know the cost of a labor struggle, and because they know they are the less disposed to haggle over petty differences with the men; more inclined, on the whole—and granting some prominent cases to the contrary—to concede a

"fair" wage scale and promote good feeling in various ways. That they have sought in some cases to ward off strikes by corrupting the walking delegates may be true. This is charged especially in the building trades, and probably with more reason there than almost anywhere else, but in most of the cases it has turned out that the strikes which were bought off were not genuine strikes at all, but blackmail threats on the part of labor "grafters" of the Sam Parks type, who were "out for the cash," and that only; further, that the corrupters of labor men were quite as often small concerns as large. To say that bribery of the unions has become the voluntary method, preferred and agreed upon as a regular system among the giant enterprises for their own advantage, and to include the ruining of all competitors, is to launch a terrific indictment against the character of our leading business men as a class, which needs far more proof than has yet appeared. Certainly, if any such wholesale corruption exists it reflects such a moral rottenness in our entire industrial life that the wonder is how the fabric has held together thus far or how it continues to hold together.

SOME EVIDENCES TO THE CONTRARY.

There is no sufficient evidence for any such general charge. On the contrary, the facts weighing against it are by all odds the stronger. If the very large employers are actually in a corrupt league with the labor leaders, they are getting painfully little out of their end of the bargain. The kind of labor peace

they are supposed to have bought is not exactly the kind a practical outsider would suspect them of paying any exorbitant price for. It was not worth much to the steel corporation, the greatest of all, as recently as 1901, nor to the "coal barons" in 1902. Few railroad or street railway companies would ever think of including it as a permanent asset in their report to stockholders.

Even in the building industry the very large company which was most freely credited with "owning" the labor leaders, getting full protection from strikes all through the late building paralysis in New York, while rivals were "tied up," proved to have been one of the chief victims. It had no strike on the main departments of structural work, to be sure, but wherever it had sub-contracts placed in the hands of firms that were connected with the local employers' association it was in constant strike difficulties, and so long as these related parts of the work were unfinished it was quite as impossible to complete a contract, turn it over and collect the price, as if the strike had been general. The result was that the company had to reduce its force radically, withdraw from the bidding on certain important contracts, cut down its operations more heavily than any of its important rivals, and, finally, this chief of conspirators, which was supposed by its intrigues to have forced the other employers to make a last desperate stand against it, itself joined the association of these employers and made common cause against the very labor forces it was believed to control.

SYSTEMATIC BRIBERY WOULD DEFEAT ITSELF.

The truth is, the corrupt system so vividly pictured, once become a "system," would defeat itself. There is a limit to what even a trust will pay to buy a walking delegate, but there is no limit to what a venal delegate can and will demand if the way is prepared. Let it become the understood thing that a cash price will be paid for "peace" and who can imagine a Sam Parks or a Lawrence Murphy failing to demand the full amount and promising the same old penalties if the rate is not increased? The large interests would very soon find that they had only succeeded in raising the expense margin of trouble to a higher point, not in getting rid of it by any means. In other words, these deals could prosper only as they were strictly individual and infrequent, and not parts of a general system. What has the average American business man ever done to justify the belief that he is so devoid of ordinary "horse sense" as not to realize the folly of letting such practices become the "regular thing," as links in a chain of perpetual blackmail, by his own invitation and permission?

THE ROOT OF THE TROUBLE.

No; we must have a more reasonable accounting for the employers' associations than this. The real root of the trouble seems to lie in the fact that during the last two or three years a powerful element of the organized labor army, flushed with power, has fairly lost its head. Success in many directions has been

too much for it. The temptation to test this new power wherever a chance offered to strike a blow was too strong for many to resist. And so, in many cases, agreements and contracts have been violated, non-union men maltreated openly and brutally, intolerant demands made for control of shop rules and methods, innocent parties forced to join in boycotts in quarters where they had no grievance, while coarse ruffians and "grafters" have ruled here and there with high hand.

A LABOR LEADER'S WARNING.

There is no denying that these things have cooled public sympathy and invited just the sort of combined attack which the unions are now facing. One of the sanest leaders in the labor movement to-day has not been afraid to sound the warning. "We have seen union after union destroyed," says Henry White, "after reaching the zenith of power. All the struggles made to gain that point have been lost through lack of self-restraint. It is idle to pooh-pooh the organized opposition to the labor movement. It is growing with startling rapidity all over the country. It indicates a revulsion of sentiment. Until recently the predominating public desire was to strengthen the working classes. Now a dread has arisen that the unions cannot be trusted with power and that if given it they will exercise it to the injury of themselves and society."

WHAT THE EMPLOYERS SHOULD REMEMBER.

On the other hand, if the employers make the mis-

take of attacking the principle and fact of labor organization itself, apart from its excesses, they are likely to find that public opinion is not necessarily committed to their point of view; on the contrary, other things being equal, it inclines to favor the cause of the wageworker. It does not forget that employers time and again have been guilty of grave abuses of power and privilege and do not come into the conflict of this kind with wholly clean hands. The public holds the right of workingmen to organize for improved conditions to be quite as sacred as the right of employers to organize for any purpose whatever. It may be counted upon to stand with the employers against force, tyranny, persecution and violation of contracts wherever these evils exist, but it will insist that the fight be made upon these abuses, and above all that it must not be made a cloak for wage reductions later on.

For the sake of the good the new movement can do, it is to be hoped it will not let the heat and enthusiasm of the campaign carry it into false positions. What this very mistake is costing the unions is plain enough; and the rule works both ways.

LIMITS TO THE "CLOSED SHOP."

EDITORIAL: CHICAGO INTER OCEAN.

The Appellate Court's decision in the Kellogg Switchboard Company case, though radical trades unionists will doubtless resent it, should prove beneficial to labor organizations by pointing out to them

clearly the necessary limits upon their acts and deterring them from methods of getting the "closed shop" which inevitably arouse public antagonism.

There was a strike at the Kellogg Company's plant. Acts of violence were committed, resulting in charges of conspiracy and intimidation, on which members of the two unions involved were convicted and fined or imprisoned. The defendants' counsel admitted that the purpose of the strike was to bring about the signing of "closed shop" contracts. Since that was the purpose of the strike it was necessarily the purpose of the acts of violence.

That no man shall be compelled to enter into a contract by force is a principle of law long ago established for the protection of all citizens. It is just as illegal for employes to compel an employer to hire them on their terms as it is for an employer to compel employes to work for him on his terms. Both sides must voluntarily agree to the contract.

On the ground that the purpose of the strike was illegal, the court held that the acts of violence committed in connection with it must be punished, and sustained the conviction of the defendants. The court also objected to the "closed shop" contracts as "creating a monopoly in favor of members of the unions," but it is difficult to see what bearing this had on the case at bar.

If the Kellogg Company had voluntarily agreed to hire only members of the unions the court would certainly not attempt to compel it to hire other persons on the ground that a "monopoly" had been created.

But the Kellogg Company did not so agree, refused so to agree, and the offense of the defendants consisted in trying to compel it to do what no man may legally be compelled to do—yield to force in making a contract.

In the nature of American institutions there can be no "closed shop" in public employment. But in private employment the "closed shop" is an advantage that may be legitimately sought. It is evidently just as legitimate for a trades union to make an exclusive contract for the use of its labor by a packing house as it is for a packing house to make an exclusive contract with a hotel for the use of its products.

But such contracts must be sought by proper means, one of which physical force is not. That is a fact for trades unions to remember. Another fact for them to remember is that whenever they resort to physical force, directly or indirectly, they arouse the resentment of the general public, which is not interested in the particular point at stake, but is interested in peace and order.

THE CRIMES OF MINERS AND MINE OWNERS.

EDITORIAL: CHICAGO RECORD-HERALD.

In spite of the many repetitions of the maxim that two wrongs never make a right, the justification of a wrong by another wrong remains a common practice, and it is easy to see how the Colorado miners have

succeeded in persuading themselves that some of their acts of violence are completely excused by the refusal of a corrupt legislature to pass the eight-hour law. The sense of injury is strong upon them, a righteous public sentiment is with them in condemning the insolent boodlers. Thus their own virtues are confirmed by the vices of their enemies, and what they would consider an occasional slip in their own conduct is thought to be condoned owing to the provocation they have received.

A rough justice of this kind, however, keeps perpetuating injustice, and the best way to crush the legislators and the mine owners who bought them is by offering the widest possible contrast to their methods. The men simply block their own game when they divert attention from the misdeeds of their foes to misdeeds of which they themselves are guilty, and that is a fact which labor organizations all over the country may consider with profit. But when the two sets of offenses are separated and the miners are condemned, as they should be, it is obvious that no language is too strong for the iniquity of the mine owners. These men appear as the most despicable and dangerous of criminals in their outrageous attempt to thwart the popular will. A constitutional amendment had been adopted by a vote of 72,980 to 26,266, which was a direct command to the Legislature to pass the desired law, its terms being as follows:

"The General Assembly SHALL provide by law and shall prescribe suitable penalties for the violation

thereof, for a period of employment not to exceed eight hours, within any twenty-four hours (except in cases of emergency, where life or property is in imminent danger) for persons employed in underground mines, or other underground workings, blast furnaces, smelters and any ore reduction works or other branch of industry or labor that the General Assembly may consider injurious or dangerous to health, life or limb."

There was, of course, no possibility that these words should be misunderstood, and neither is there any doubt upon the part of persons who have looked into the matter that they were ignored because the legislators were bribed to ignore them. This mean, insidious and most demoralizing kind of crime which undermines the very foundations of government was the resort of rich and influential men who cut a figure in the community, and who no doubt are entirely satisfied as long as they keep out of the penitentiary. It is a most discouraging feature of such cases, moreover, that the confidence of the criminals in their immunity from punishment is generally justified because of the great difficulty of detection and proof. But if this relieves individuals it intensifies prejudices against the class to which they belong, and the mine owners of Colorado will suffer as a class by what has been done probably for a long time to come.

COLORADO'S EVIL DAYS.

EDITORIAL: BOSTON TRANSCRIPT.

That anarchy not only consists in lawlessness, but springs from it, and that it matters not whether the anarchists are rioting miners or millionaire bribers of a Legislature, is the keynote of Mr. Baker's recital of Colorado's disgrace.* Successful after a long struggle in securing the adoption of a constitutional amendment which required the Legislature to pass an eight-hour law, the miners saw their cause go down to defeat before the power of the mine owners' lobby. The Legislature adjourned without passing the bill, defying the express mandate of the amendment, and it is little wonder that Moyer, president of the miners' organization, should say to his followers: "What is the use of your ballots anyway? You might as well tear them up and throw them in the gutter."

It is highly probable that if the psychological background of much of the lawlessness in labor conflicts could be traced it would lead straight to a widespread feeling, not entirely confined to wage-earners, that the laws are arrogantly flouted by promoters of vast speculative enterprises. From this point of view it may prove that by all odds the most valuable result of the Northern Securities decision is the demon-

*The reference is to article by Mr. Ray Stannard Baker in *McClure's Magazine* of May, 1904, on "The Reign of Lawlessness."

stration that law is after all an impressive reality, even against the most powerful interests in the land.

In developing this phase of the Colorado situation Mr. Baker gives perhaps rather disproportionate emphasis to certain incidents of the struggle. For example, the military "intimidation" of the court in Cripple Creek upon one occasion is hardly to be regarded as typical of the relations between these two arms of the law throughout the contest; on the contrary, it appears that the courts have not shrunk from a conflict with the state authorities, even down to the latest and most vital case of all, in which the federation president, Moyer, although under military arrest, was brought all the way from Telluride to Denver on a writ from the seat of judicial authority, while, on the other hand, in the Cripple Creek district it has been notorious from the first that the bulk of the "terrorizing," such as it is, has been applied from the union side, even to the extent of brutally assaulting a justice of the peace on a main street in broad daylight, because of a court decision not pleasing to the organization. That there may have been some occasion for extraordinary military measures in Cripple Creek in certain critical moments might be suspected at any rate from the fact that "Sheriff Robertson, the chief executive officer of Teller county, is a member of Miners' Union No. 40, and practically all of the other county officers are union men or union sympathizers."

There is room for objection, also, to placing the expulsion of fourteen union leaders from Idaho

Springs by the Citizens' Alliance on the same plane with the driving out of Telluride of the "scabs" employed at the Smuggler-Union mine. Both proceedings were lawless, to be sure, but one does not need to be a partisan of the citizens' movement to see a distinction between "rounding up" the men suspected, with reason, of complicity in the terrific Sun-and-Moon non-union mine explosion and marching them to the town line, with orders never to return, and the murderous attack by an armed force upon men whose only crime was the peaceable pursuit of a lawful occupation, but in punishment for which they were brutally beaten, plundered of personal possessions and driven over the mountain range to an accompaniment of blows, vile abuse and stray shots which left their marks in several maimed and wounded men, for life.

Mr. Baker does not refer to the various cases of "mysterious disappearance" of non-union men, which have been features of the Colorado conflict from the beginning, nor to the attempted train-wrecking near Altman, nor to the murder of Mine Superintendent Gleason in Cripple Creek. But the division of responsibility for all this shameful record between the law's enemies, both in high places and low, is just, and full of profound significance. It is not enough to put down a riotous outbreak; wherever, and no matter where, the many-forked root of anarchy runs, that is the place for the ax.

Colorado surely owes it to her good name to put her house in order.

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"JOY IN LABOR."

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steadily, and with a high character, is doing his part
toward building up the great social fabric," will, so
the bishop thinks, give him "a motive which will
make his labor easier, better and indeed full of joy."

We reproduce in this issue a portion of the address
outlining this point, and in connection with it a se-
lection from President Eliot's notable paper on the
conditions of happiness in the productive labors of
mankind, an address recently delivered in Cambridge.
The element of good-will Dr. Eliot holds to be vital
and essential, and it is the element which cannot be
present so long as employer and employe are re-
spectively striving to get the utmost possible out of
each other for the smallest return. In this respect
at least these two molders of public opinion will be

found on common ground. If the joy of labor consists, as Bishop Lawrence declares, in faithful doing of one's share, then the rendering of that service must of necessity be along the lines of good-will and the giving of full value for everything received, which is President Eliot's platform, as it should be of every just-minded and right-intentioned citizen.

Perhaps Dr. Eliot's statement of the case is rather the more satisfactory because of his recognition that it takes two to establish good-will, no less than to strike a bargain. The spirit of fairness and loyalty among workingmen can hardly be expected when the opposite attitude is taken toward them by the directors of their labor. A completer rounding out of Bishop Lawrence's suggestion would include some mention of the fact that the joy of doing one's share would be considerably more joyous if the disposition were ever-present on the other side to agree to an adequate and just sharing in turn of the product of the joint service performed.

That disposition, we believe, does prevail with the majority of employers; but the sins of the stupid and the grasping are commonly visited upon the whole class to which they belong.

THE JOY OF DOING ONE'S PART.

FROM ADDRESS BY BISHOP LAWRENCE OF MASSACHU-
SETTS.

Every public-spirited citizen is glad to see the hours of labor reduced to the smallest amount con-

sistent with the prosperity of society and the welfare of the laborer. Granted that the hours of labor should be reduced to seven, six, five, or even four hours, the problem has not been met. Humanity cannot endure having tens of thousands of men, women and children pass even four hours a day in work which is joyless, benumbing to intellectual and spiritual faculties, and which drives the workers to say that they live by it and not for it.

Every one of us has been to some factory or industrial center where, through the lack of sympathy between the people and the managers, there has been a stolidity and even sullenness of temper, and where the people have gone to their work and returned home with a heavy tread and joyless. They have stayed there only because they had to. They have taken no pride or satisfaction in their labor, because of a sense of injustice or hopelessness. They had no thought that they were a part of a great organization, no interest in the success or development of the work. Each man, woman and child did his stint and did it because he had to.

In contrast with this, I visited a few weeks ago the Hampton Institute in Virginia. There are hundreds of young men and women preparing to go out upon the plantation and into the shop. There was a sense of joy and buoyancy and responsibility in the work. You could feel it almost in the finger tips of the mechanics, the milliners and the tailors, for they felt not only that they were a part of a great beneficent institution, but as negroes and Indians who had been

selected as representatives of their race they realized that upon their efforts depended to a great degree the condition of their people a generation hence.

Now I believe that the one motive that is needed in the great body of our working people, which may be instilled in childhood and nurtured in youth and manhood, is the sense that each and all of them, wherever they are placed, are doing their share, if they live in the right spirit, toward building up the great social fabric of which they are a part. This is an age of team play, and the test of character of the team is as to whether each man will do his part not only for himself but for the whole body.

To some is given one position, to others another. Those who have the best positions have the responsibility and privilege of doing all in their power to make life as happy as possible for those who are in the harder positions. But if one can only inspire in the life of the humblest mechanic in our humblest factory the thought that he, in working patiently, efficiently, steadily, and with a high character, is doing his part toward the building up of the great social fabric, he will have given him a motive which will make his labor easier, better and indeed full of joy.

GOOD-WILL IN LABOR RELATIONS.

FROM ADDRESS BY PRESIDENT ELIOT OF HARVARD UNIVERSITY.

I now come to the most essential element in the industrial pursuit of happiness; namely, the element

of good-will. It must be confessed that the policies and methods of the trades unions cultivate hostility rather than good-will between the employer and the employed, and between unionists and non-unionists. Thus, the exclusion of non-union labor from employment is not only an attack on liberty and an effort to abolish competition and secure monopoly, but it is supported on a carefully cultivated sentiment of contempt and dislike for men whose only offense is that they have an independent habit of thought, and prefer in practice not to be subject to the orders of the majority of an industrial association or of its officers—a not unnatural preference for freemen to entertain, considering that these orders may at any time affect the workman's most cherished habits and the welfare of his family.

The refusal to work with non-union men or to touch non-union material is a policy in which there is no element of good-will except toward unionists; and the union label—the meaning of which is that none but union men have touched the goods which bear it, and that the goods have been made completely under union rules—is another hostile effort against the non-union man, and against the community, which would suffer in higher prices from the attempted reduction of competition.

The habitual effort of trades unions to create a monopoly in labor, each in its own trade, is a hostile effort against the community as a whole; for they seek by this means their own pecuniary benefit at the expense of the rest of the community.

The interest of workmen in the cultivation of good-will throughout the factory, mill or works in which they labor ought to be intense, because it is perfectly plain that they cannot win happiness and content in their lot on any other terms.

Just so long as the unions teach a slow or moderate rate of work, a killing time while apparently at work, a diminishing product by the day or the piece, and a deliberate effort to divide a job among more laborers or more days than are necessary, just so long will co-operative good-will between employers and employed in producing the just quantity of salable goods be impossible, and just so long will the happiness in work, which illuminates and vivifies all the higher human employments, be impossible in employments subject to union control.

The employer, however, needs the same sentiment of good-will at the core of his business life. Without it, the world is for him a hostile camp. His happiness is wrecked, or greatly impaired, if he feels that he is hated or despised, or is conscious that he has done nothing to promote the well-being of the people who have been dependent on his skill and good judgment.

So far as true happiness is concerned, no increase of his wealth, no exercise of arbitrary power, and no recreations, amusements or bodily pleasures can possibly compensate him for the loss or absence of the good-will of his employe. The habitual hostility of those who have labored under his guidance is fatal to his real comfort and content.

FORCE AND EXCLUSION POLICIES DOOMED.

There is a singular unanimity in the representative expressions of public opinion just now on the issue of organized labor's demand for exclusive preference for employment, on the sole ground of union membership. We have selected at random and grouped together this week three recent utterances of impartial fairness and solid logic, apropos of different topics and occasions, but each sounding the same wholesome note. "The closed shop is the one demand made by the labor organizations which is contributing most largely to the growth of an antagonistic public opinion," declares the Wall Street Journal in the editorial, "No Monopoly of Labor." And Dean Hodges, in an address upon points of agreement between the church and the labor movement, affirms that "The corporation which opposes the organization of its men, and the union which seeks by compulsion to crowd the non-unionist out of the trade, are contending against universal laws of human nature." The Boston Herald, discussing the Cripple Creek infernal-machine atrocity, which comes as the last damning indictment of force and exclusion policies, states its belief without any ifs or buts that "The right of men to work for wages satisfactory, or, at any rate, acceptable to them, will be established in the end, however peremptorily it may be denied."

It has become one of the most familiar slogans,

both of cheap demagogues and of honest zealots laboring under a misinterpretation of industrial relations, that our modern capitalism exalts the dollar above the man. Whether the precise language is in favor in all quarters of the so-called "radical camp" or not, the accepted belief and teaching is that the net result of our individualistic society is to "crucify mankind upon a cross of gold." We do not recall, however, that even the most soulless of modern capitalistic interests have been shown guilty of wanton and deliberate taking of human lives, in furtherance of demands or pretensions devoid of either legal or economic or, for that matter, of ethical right. But what shall be said of the perversion of labor union principles and practices away from the standards for which that movement might and ought to stand, to the new position that certain heretofore acknowledged "rights of man" shall not be recognized in the case of any who do not choose to become associated with this or that purely voluntary organization?

When a man is assaulted, maimed, perhaps his home blown up, his wife and children insulted and harassed on the streets, and himself, it may be, foully murdered at the end of the chapter, which is being exalted above the other, the man or the 15 or 20 cents extra daily wages for which the union may happen to be contending? In the case of the Cripple Creek assassins, for example; however the mine owners of Colorado may have been inclined to prize the dollar of profit above the man in the workings, let it not be overlooked that it remained for

the Cripple Creek representatives of the "masses" to rate human life cheaper than a union card.

NO MONOPOLY OF LABOR.

EDITORIAL: WALL STREET JOURNAL.

More and more it has become clear that the issue of the closed shop cannot be made good by the labor organizations. Public opinion, which on the whole inclines in favor of the labor unions, as regards their right of organization and collective bargaining as to wages and hours of labor, is strongly opposed to their demand for the closed shop. Moreover, the courts are deciding against the labor unions in cases involving this issue. In the well-known Kellogg switchboard case of Chicago, the Appellate Court of Illinois has decided against the labor organizations which ordered a strike when the Kellogg Company refused to make its factory a closed shop, and which picketed the factory when the strike was begun in order to prevent the company from employing new men to take the place of the strikers. The court held that the action of the labor organizations constituted criminal conspiracy, and that each conspirator was responsible for the acts of every other conspirator. Moreover, it showed that the presence of the pickets for the avowed purpose of preventing the new employes of the company from remaining in its employ was in itself intimidation, even though no actual force was used.

This decision, it will be observed, covers several

important points, involving the question of strikes, boycotts and intimidation. But the main feature is the fact that the whole controversy was caused by the refusal of the company to close its shop against all non-union men. There is no question whatever that the closed shop issue which the labor organizations are pushing so vigorously is the one demand made by the labor organizations which is contributing most largely to the growth of an antagonistic public opinion. The organization of employers which is going on throughout the country would have comparatively little significance but for this issue of closed shop which brings to it a large measure of public support. As a whole, it may safely be said that the people of the United States are with the labor unions so far as their organization is concerned, and in respect to their demand for better wages and better conditions of work, both of which produce a higher quality of product. But when they go so far as to seek an absolute monopoly of labor by demanding of their employers that no one not a member of the unions shall be employed, they strike at the sentiment of fair play and love of liberty which prevails among the great body of the people.

FAILURE OF COMPULSION.

FROM ADDRESS BY DEAN HODGES OF CAMBRIDGE, MASS.

We (the church) have tried the policy of compulsion to the uttermost, and we assert as the total result of our experience that it is a policy of tragic blunder.

We tried it in all honesty of purpose, for the general good, with a clear conscience in the sight of God. It seemed to us, as it seems to-day to many a union, that it was the only thing to do.

Institutionalism and individualism are alike ordained of God. He has implanted in our souls the instinct of association and the instinct of personal independence. They are both sacred. They must be maintained together. Men must be permitted to enter with all freedom into any kind of legal combination. They must also be freely permitted, if they prefer, to stay outside and live in their own way.

The corporation which opposes the organization of its men, and the union which seeks by compulsion to crowd the non-unionist out of the trade, are contending against universal laws of human nature. It is like contending against the law of gravitation. The church has partly learned this lesson; the union is diligently studying it. It is going through the same experience; it will reach the same conclusion.

A FEATURE OF THE COLORADO SITUATION TO BE EMPHASIZED.

EDITORIAL: BOSTON EVENING TRANSCRIPT.

A feature of the Colorado situation to which little attention has been drawn is the distinction, both in organization and underlying principles, between the Western Federation of Miners and the main body of the labor movement in this country as represented by

the American Federation of Labor. The one is aggressively committed to socialism and is avowedly working toward a socialistic control of Colorado industries; the other stands squarely on the platform of trade unionism, which presupposes and upholds a social order based upon private ownership and employment for wages.

It is true, the American Federation voted \$1,000 to the support of the striking miners in Colorado at the convention held in this city last November, but it is also true that an effort to make the contribution \$5,000 failed, and that the aid granted was only on the ground that the Colorado contest was declared to be for "eight hours," the cause par excellence to which trade unionism is committed heart and soul, as the ultimate goal anywhere and everywhere. The contribution was made, further, in special recognition of the fact that the general Colorado situation included the coal miners' strike in Trinidad, and in response to a special request made in behalf of these men that encouragement be extended to their neighbors near at hand in the metalliferous mines.

But the Western Federation is fully aware that, while ardent socialists are not wanting in the American Federation by any means, the overwhelming trend is wholly at odds with the ulterior ends of the mountain state's movement. The official organ of the Western Federation, either directly or indirectly, has attacked both individuals and policies in the trade union movement proper, regarding that or any other movement which seeks to better industrial conditions along op-

portunist lines as a positive hindrance to the ushering in of Utopia. This is the position of the radical wing of the socialist propaganda everywhere. It has no patience with conciliation or arbitration; on the contrary, prefers and indorses the anti-union campaign of the employers' associations on the express ground, as the editor of the Daily People, New York, puts it, that "an equitable arrangement can only be effected by allowing the class struggle full scope; and as a means to this ending nothing is so much to be welcomed as the straight-out tactics" of the employers' organizations. "Socialism will triumph as a result."

The lack of harmony between the Colorado strikers and the American Federation is not grounded entirely on hostile general principles. At the time of the great Denver "food strike" of a year ago, a conference was held between Secretary Haywood of the Western Federation of Miners, David Coates of the American Labor Union, Max Morris of the American Federation of Labor and delegates from various local unions, on the issue of a sympathetic strike in support of the breadmakers and teamsters. Haywood dominated the meeting and carried it for the measure proposed; Mr. Morris opposed the step to the last ditch, declared for settling the local troubles between those directly concerned, and refused to involve the American Federation in what proved, as he undoubtedly foresaw, a fiasco. So far as the Western Federation was concerned, the food strike apparently counted simply as one pawn in the game to capture the Colorado labor movement in toto, as a part of its larger purpose ex-

pressed in the formal espousal of the socialist creed. The American Federation stood in the way of this ambitious scheme, and so far as its influence extends still performs that public service, even though the national organization does not openly antagonize a struggle ostensibly being waged for the eight-hour day.

So well is this understood that the conviction is expressed by men in close touch with the situation that the dynamiting element among the Colorado miners would as readily apply their favorite argument to Mr. Gompers and his associates, if suitable occasion offered, as to the mine owners and non-union workers on the ground. However this may be, it will strengthen rather than weaken the general cause for which the American Federation stands if no effort is made to conceal the absence of any real fellowship with the Moyer-Haywood organization, or to offer excuses for the miners' share of responsibility for the series of brutal outrages at Colorado mines, where the eight-hour day already prevails. It is sought in some quarters to palliate these crimes in the mining camps on the singular ground that the smeltermen, in whose support the mine strikes were called, were defrauded of short-hour legislation by a corrupt lobby. That charge may be true, but if the "new ethics" of industrial strife puts no ban on retaliation by murder it will have to be very new indeed to condone the wholesale slaughter of one set of men and wrecking of the properties of another set, because of the sins of a third and wholly distinct group.

TRADE UNIONISM IN PUBLIC EMPLOY-
MENT HALTED.

One of the anomalies of trade unionism is the demand for "closed shops" and the advocacy of municipal ownership, when it is inevitable that every industry transferred from private to public ownership will become an "open shop." In public employment all conditions and wages of labor must be determined by laws and ordinances. No law excluding non-union men from public employment can stand the test of its constitutionality. Wages cannot be increased nor hours of labor shortened at the demand of a trade union. The fact that labor union men have undertaken to enforce their demands upon municipal, state and the national governments is indisputable evidence of their ignorance of the law, or of their brazen assumption that fear of their political power would make public officials their pliant tools, notwithstanding their oaths of office. Here is an example. The following press dispatch was sent out from Chicago:

"The invasion of the municipal service by labor unions was to-day ordered brought to a halt by Mayor Harrison, who made the following declaration:

"In the mechanical branches of the city's service, where the employe is simply a workingman, it is all right for him to belong to a union; but where a man belongs to a department, like the firemen or policemen, he has no right to have a divided allegiance.

He must owe allegiance to only one master, the city of Chicago.'

"The voicing of the mayor's sentiments along this line was occasioned by the receipt of an appeal from the engineers of the fire department, asking for increased wages. The men seeking an increase are members of a union."

All attempts to unionize public employment prove the incapacity of the union leaders making such attempts. No commander of sound mind will ever invite a conflict with a force so superior to his own as to make his defeat inevitable. The fact that labor union members do provoke conflicts with municipal, state and the national governments shows that the leniency shown to their conduct has inflated some of them with the idea that they are bigger than the government. This is bad enough, but it is not as bad as the fact that the "divided allegiance" to which Mayor Harrison refers often induces inefficiency and destroys discipline in unionized industries. Why should any employer want a "closed shop" under such conditions?

WHOSE FAULT IS THIS?

How does it happen that there are no violations of law when there are no strikes? Non-union men are never found plotting to rob other workmen of their right to labor or to punish employers for employing workmen not of their class.

Temporizing with lawlessness always induces more

lawlessness. The less intelligent men are, the more necessary it is to use the arguments of force rather than the arguments of reason to bring them into subjection to the law. Those who use force instead of reason must be dealt with by force. If this is not done they believe themselves superior to those who do not use force. The leniency shown to lawlessness when committed against non-union men is responsible for the growth of lawlessness among union men and their sympathizers. But for such leniency, there would never have been an occasion for sending out the following press dispatch from New York City:

"As an outcome of several explosions of dynamite in buildings being constructed in various sections of the city, every large structure being erected is now under guard of police and private detectives. Rewards have been offered by the Iron League for the apprehension of the persons involved, but so far no clue has been found as to their identity."

Laws will not enforce themselves. When those whose duty it is fail to enforce the law, private persons and associations must do it or anarchy will be established. Here is evidence that this must be done in New York as well as Colorado.

THAT "RIGHT OF CONTRACT" PROBLEM.

Rarely has a problem arisen in modern industrial experience where the ideal solution was less apparent than in this of unrestrained or of exclusive employment. The "right of contract" is quotable on both

sides, inasmuch as the right of the employer to make labor contracts with union men only would seem on the face of it to be equal to his right to hire only Germans or only Americans or only men of a certain age or height, if his interests so required. And the position taken by Judge Adams in his recent decision, that a contract for a closed shop tends to a labor monopoly, seems to lack completeness in that it does not undertake to show how anything in the relations between one employer—individual or corporation—and his or its employes can have any monopolistic effect with reference to the industry as a whole. Had the case involved a combination of employers, agreeing among themselves to run closed shops only, the earmarks of monopoly would have been much more obvious.

These things do not necessarily justify the closed shop; they simply indicate the difficulties of over-throwing it on technical lines. If exclusive employment of union members actually insured superior service and better relations between management and men, any serious effort to have it declared illegal and criminal *per se* would never have been made. As it is, the open shop is steadily gaining ground, and where the open shop is established the line of effort on the part of the unions becomes the securing of pledges not to discriminate against union men purely because of their unionism. With an open field to both union and non-union, the shops can be unionized only through the efforts of the union among the employes, and not by compulsion applied through the employer.

EMPLOYERS' ASSOCIATIONS.

EDITORIAL: CHICAGO TRIBUNE.

As the Tribune does not apprehend the overthrow of the constitution through associations of workingmen, so it does not anticipate any erosion of that admirable document by associations of employers. The volunteer private detectives whose specialty is the discovery of burglars climbing in through the window of the constitution's back porch have alarmed the country—and almost themselves—by their talk about sympathetic strikes, boycotts and persecuted non-unionists. In Ray Stannard Baker's article in the current McClure's they will find their consistency challenged by a collection of facts with regard to analogous actions on the part of employers in associations assembled. But even if the volunteer private detectives prefer consistency to partisanship and begin to cry "wolf" on the front door step as well as on the back porch, it is time for the sober senses of the American people to tire of the constant magnification of business squabbles into constitutional dangers. The constitution, in every essential sense, is ten times as safe as when Jefferson confessed to having cracked it.

The attempt to prevent the "scab" from working as he pleases is said to be a violation of constitutional liberty. Here is what Mr. Baker says about the pressure which was brought to bear upon "scab" employers in San Francisco: "Certain retail dealers in meat

wished to continue their agreements with the unions, but the wholesale meat dealers cut off their supplies and refused to sell them any meat until they took the union labels out of their windows. In some cases they went farther than this—refusing to supply retailers who supplied restaurant dealers who insisted on dealing with the unions.”

The boycott is said to be a violation of constitutional liberty. Mr. Baker shows how the boycott is used by the employers of Denver. The Rocky Mountain News and the Times had adopted an editorial policy which the Citizens' Alliance regarded as too favorable to the union. Thereupon the Citizens' Alliance passed a resolution requesting the Denver Advertisers' Association “so to place its advertising matter as to assist in upbuilding instead of tearing down business interests.” And thereupon the Denver Advertisers' Association sent a committee to the Rocky Mountain News and to the Times, informing those papers that the resolution of the Citizens' Alliance would be the basis of its action in its relations with the daily press.

The sympathetic strike is said to be a violation of constitutional liberty. Mr. Baker gives instance after instance of the use of the sympathetic lockout. The consequences of the sympathetic lockout can be seen with particular clearness in the case of A. D. Olcott of Idaho Springs. Olcott, though a man of family and of unblemished personal reputation, was a “labor agitator,” and was put on the “unfair list” of the Idaho Springs employers. He was locked out from position after position, and was entirely deprived of

the means of livelihood, while at the same time he was held in town by court bond.

All of which means that both sides of the labor controversy are like both sides to any other controversy. They sometimes employ unjust and illegal methods. When they employ those methods they ought to be punished. But neither side has the right to accuse the other of any fell designs on the constitution. The constitution does not fall to pieces every time a selfish man or a selfish association of men oversteps the limits of common or statutory law. Isn't it possible for an American to get into a quarrel with another American without becoming convinced that the air is full of constitutional wreckage?

ENGLISH UNIONS AND THE OPEN SHOP.

EDITORIAL: NEW YORK JOURNAL OF COMMERCE.

The National Civic Federation publishes in its Monthly Review answers from the secretaries of several of the leading trades unions of England to requests for information regarding the position taken by those unions upon what we call the open shop question. From these it appears that in the trades represented the organizations are more complete and are stronger than most of them in this country, but what is chiefly noteworthy is that they rely upon the extent of their control of labor in the industries and their legitimate advantage to the workman, having abandoned all attempt at coercion in increasing their mem-

bership and all contest against the employment of non-union men. They try to get the best workmen into the organization by making it to their interest to join, and to make union men preferred by employers.

The secretary of the Amalgamated Society of Engineers, which includes what we call machinists in this country, says that it is stipulated in their agreements with employers that they will work with non-union men; and that was the practice even before that form of agreement was adopted seven years ago. Then, he says, "we relied upon moral suasion in regard to non-unionists," and he expresses the opinion that "forced men are no good to an organization which they may be compelled to join." The secretary of the Amalgamated Society of Paper Makers writes: "Our society does not object to our members working with non-unionists, providing the latter work under the same conditions and receive the same wages as themselves. Consequently it has not been necessary to make any agreement with the employers respecting the same. In justice to the employers, I may say the majority prefer unionists, and when requiring them they apply to the society." The secretary of the Iron Founders' Society takes occasion to comment upon the weakness of American unions, and says that in England, in the case of a strike or lockout, they "refrain from picketing, leaving employers to employ whom they choose." Regarding non-union men he says: "We let them severely alone, believing that they do our cause more good inside a struck shop than outside." This belief is based upon the alleged inferiority of the non-union labor and

the business necessity of employers hiring union men to get their work satisfactorily done. He does not think favorably of "working mixed," as he calls it; that is, with union and non-union men in the same shops, because he does not think it to the advantage of either the employers or the workmen, but they make no fight against non-union labor.

The general secretary of the Associated Iron and Steel Workers of Great Britain says that they have had the policy of the open shop for thirty years. At some works practically all the men belong to the union, at others a part in varying proportions. The non-union men are ignored. They have no voice in settling the terms of employment, but are expected to abide by them, and where they do not the employers usually dispense with their services, preferring to deal with the organization and have the agreements apply to all their workmen. This secretary says: "I should be sorry to see any policy adopted which would bring about the distinct change you have in your American mills of union and non-union." Similar reports are given of the weavers' and spinners' organizations. Union and non-union men are employed alike and on equal terms without any conflict between them. The unions rely upon the benefits their members derive from organization and seek to secure the adhesion of all the best workmen in their trades, to make themselves indispensable to employers and to have all disputes and difficulties settled by amicable negotiations, with final resort to arbitration. One of the writers says that the system is the development of many years'

experience, and it seems to him that the methods pursued in this country are similar to those in England twenty-five and fifty years ago. Some English unions are less liberal and tolerant than others and a few try to avoid having non-union men in the same shops with their members, but on the whole they have advanced beyond the crude stage of arbitrary and violent methods and rely upon the economic advantages of organized action.

THE OPEN SHOP ISSUE SETTLING ITSELF.

EDITORIAL: BOSTON TRANSCRIPT.

It is hardly to be supposed that the Democratic convention intended to fly in the face of organized labor by a declaration for the open shop, yet one of the planks scoring the deportation tactics of the Colorado authorities might have been borrowed from an employers' association platform, the point of the impeachment lying entirely "in the application on 't."

"Constitutional guarantees are violated whenever any citizen is denied the right to labor, acquire and enjoy property or reside where interests or inclination may determine."

Denial of the "right to labor . . . where interests or inclination may determine" is the precise iniquity charged against the closed shop, and it will be surprising if those who meant to stand on one end only of this plank do not find the other end tipping up with annoying frequency and ease. Here is verified again

the old difficulty of formulating rules of freedom for one class or emergency which it is not desired to have applied to other people in similar situations.

But the closed or open shop is not an issue for political settlement. That grows plainer as the merits of the matter are forced into the open through the pressure of free discussion. Up to date it cannot be said that the contestants for either theory have won the whole case, either in ethics or economics, but happily the dispute is passing over from a prior dogmatism to the stage of discrimination. Just now comes an interesting sign of this progress toward a more intelligent understanding in the form of a symposium on the subject in the latest number of the *Monthly Review*, issued by the National Civic Federation. Apropos of the recent decision of Judge Adams of Illinois, that a contract to maintain a closed shop is illegal and criminal, the *Review* has brought together the critical views of a group of lawyers and publicists representing a considerable variety of opinion, but showing a strong majority leaning to the idea that freedom of contract ought to imply that, while intimidation of an employer to compel the closed shop has no good defense, his right to make such an arrangement when he believes it to his advantage should be held equal to the undoubted right of workmen to refuse employment with any but union men.

Mr. Louis D. Brandeis of this city stated this point of view most clearly of any. On the lines of liberty the course to follow, he thinks, will include, first:

"Liberty on the part of the employer to agree with

the union for a closed shop whenever the inducements offered are sufficient to lead him to voluntarily renounce for a time his absolute freedom to choose such workmen as he pleases. Then, a recognition by the unions that their interests will be best subserved by omitting all attempts to restrict the choice of the employes, and devoting their efforts to increasing the attractions of unionism for the workmen, and to removing the incidents of unionism most objectionable to the employer."

On that basis the problem would solve itself without either political or judicial intervention, and largely according to the conditions in various trades and localities from time to time. For example, elsewhere in the same number of the Federation Review it is told just how the threatened teamsters' strike in New York a few weeks ago was averted, the most suggestive point being that the dangerous rock of closed or open shop was safely escaped by an agreement that the truck owners should make no discrimination against a driver because of his membership in the union, and on the other hand the drivers in handling goods should not discriminate between union and non-union employing shippers. These were items in a signed agreement which also granted increased wages and shorter hours and remains in force one year.

Such an arrangement throws the burden of keeping a trade unionized wholly upon the ability of the organization to present and prove to non-unionists the advantages of membership by legitimate methods and without the aid of persecution or compulsion applied

through the employer. This is probably the ideal solution of the whole issue, but merely to state its terms shows how completely success depends upon the good faith and fairness of spirit in which both sides live up to the self-imposed and agreed limitations.

WHY SO MANY STRIKES?

In an article in this issue under the title of "Labor Strikes Always With Us," a statistical comparison is made between the United States and Great Britain for the nine years, 1892-1900, showing the number of strikes, the number of workmen directly affected and the number in relation to population, etc. This comparison shows that strikes have no well-defined economic basis. It is popularly supposed that strikes result from disagreements as to wages. The wage question causes but few strikes. Disputes over shop regulations, attempts to force a recognition of the union, and, we regret to say it, desire to show their power on the part of labor leaders, are more often causes of strikes than the wage question. If employers want to know when to look for a strike let them keep tab on the election dates of the officers of unions with whom they deal. Many autocrats have declared war to save their crown. Many labor leaders have involved their unions in strife to save or tighten their hold on power. The most dangerous man in the industrial world is the professional labor agitator. It is his business to spy out and seize upon every cause of friction between employes and those under whose immediate direction they work, be that cause ever so trivial, and magnify

it into a cause of war. One of the commonest experiences of employers is to have these agitators, walking delegates or business agents, attempt to fix up a settlement in a way to cause the union members to believe great things have been accomplished for them by their vigilant champions.

There is more human nature than economics in labor troubles. Employers and employes are both human, with like passions. It is the most natural thing in the world for men under orders to be extremely sensitive to the manner in which orders are given, the bearing toward them of those under whose immediate direction they work. When a man feels himself to be as intelligent and competent as the man selected to supervise his work he is inevitably resentful whenever an unnecessary or undignified exhibition of authority is made by the corporal who touches elbows with him in the ranks. This case is stated in the following letter:

"Wheeling, W. Va.

"Editor Public Policy:—Having read with much interest your different editorials on the outcome of amalgamated labor, allow me to ask a pertinent question. Has it occurred to you, in your many interviews on the subject, that the fact exists that not less than 80 per cent of the difficulties that arise are by reason of subordinate officers in charge, who, clothed with temporary authority, assume to dictate to men conversant with their work, and working truly and sincerely for the interest of their employer? By reason of their incompetency, so-called managers, in an effort

to show their authority, dictate without knowledge to men more competent than they to fill their different positions. As man to man, competent employes will not stand to be dictated to by such incompetency. With a correction on this line—military, if you please—many of the difficulties that have arisen in the past can be corrected.

Yours very respectfully,

“FRANK G. CALDWELL.”

No man is more conscious of the necessity of discipline than the competent workman. The workman's worst enemy is the man who abuses his privileges and thus renders drastic regulations necessary. Liberty is always lost by the conduct of those who mistake liberty for license.

An employer does himself an injustice who does not cause every man in his employ to feel that he has a friend in the person of his employer. One of the losses caused by modern organization of industries is the loss of personal acquaintance and interest between employers and employes. But this need not destroy a feeling of confidence on the part of employes, in the good judgment and good-will of their employers, something akin to the love of a private soldier for his commander, whom he has only occasionally seen, with whom he has never spoken, whose hand he has never touched.

There is a saying that “courtesy costs nothing and buys everything.” There are trouble breeders in the ranks. There are trouble breeders in all grades of officials, from lowest to highest. While human nature is as it is, there will be those who, while they wear the

form of men, have no sense of honor, justice or human sympathy. Such men need a master whom they know will knock them down on the slightest provocation. A blow is the only thing that reaches their sense of feeling. Fortunately such men are few. They can be easily mastered when those with whom they come in contact are made of the right sort of stuff.

It was our good fortune to have opportunity to observe, on some occasion, every general who commanded a Union army during the Civil War. We heard many complaints regarding, and saw some injustice in, the conduct of subordinate officers toward those immediately under their command, but we never saw or heard of a commanding general who showed disrespect toward a self-respecting private soldier.

We would say to every employer, cause every man in your employ to feel that you respect him as a man and that he can always appeal to you, with confidence in your judgment and good-will, if he feels himself wronged by those to whom you necessarily intrust the management of details. No general was ever quite as great before as he was after he had shown some mark of respect to a private soldier. And the greatest man of them all, the commander-in-chief of the armies and navies of the United States—Abraham Lincoln—felt a sympathy, of which true greatness only is capable, for the men in the ranks. His great heart gave a kindly light to his eyes, a kindly tone to his voice, a kindly grasp to his hand. I have seen him move about among those whose blood had been given that the nation might live. A look, a word, a touch from him

was an experience that no private soldier can ever forget. We honor the man who earns a living by honest work. We ask no favors for him. He needs none. He is self-respecting and self-sustained. His rank is that of an honest man, the noblest work of God. Make this bargain with him and he will not fail to fulfill his part of the obligation:

While we live and work together each shall do his part well. Each shall give the justice he desires to receive. Neither shall be condemned without being heard in his own defense.

The motive of industry is money making. The motive of life is good-will. That which one cannot justly do, another cannot justly require. When the requirements of justice are understood and complied with strikes will cease to be with us.

LABOR STRIKES ALWAYS WITH US.

EDITORIAL: WALL STREET JOURNAL.

Statistics of strikes in Great Britain become of greater significance when brought into comparison with corresponding statistics in the United States. The following table shows the number of labor troubles in the two countries and the number of workmen involved during the nine years from 1892 to 1900:

Nine years, 1892-1900:

	Strikes and lockouts.	Workmen di- rectly affected.
United States,.....	12,344	3,551,492
Great Britain,.....	7,603	2,109,000

Of all the labor troubles in the two countries, those of the United States constitute over sixty per cent, both as to the number of strikes and lockouts and as to number of workmen involved, but in proportion to the population of the two countries, the number of workmen affected by the disputes was practically the same, so that there would seem to be no relation between the free trade policy of England and the protective policy of the United States and any liability to strikes. Both are on a level, so far as that is concerned.

There is another striking fact. The number of labor troubles in each country changes little from year to year, although in both there is a great difference in the number of workmen involved. It is difficult to account for these differences by economic conditions, for there are often as many large strikes in "fat" years as there are in "lean." For instance, in this country there were 660,000 men thrown out of employment by strikes in 1894, which was a year of depression. But there were 408,000 thus affected in 1897 and 417,000 in 1899, which were years of prosperity. In 1884, which was a panic year, only 147,000 workmen were thrown out by strikes, while in 1886, when business was reviving, there were 508,000 thus involved.

A review of the past twenty years goes to show that the labor problem, like the poor, is always with us. It is a chronic condition. It is the result of the eternal struggle of man to better his condition. The labor situation which has lately been so distressing and in

Colorado assumed a malignant type, is now improving. Those who think that conditions were never so bad as now, so far as the social problem is concerned, ought to take a glance backward and compare the state of things to-day with the situation ten and twenty years ago. They would then discover how great has been the progress.

BOYCOTT AGAINST EMPLOYER PERPETUALLY ENJOINED.

DECISION BY JUDGE JOHN HUNT OF THE SUPERIOR COURT OF SAN FRANCISCO.

DECISION A VICTORY FOR RIGHT.

"I regard it as the greatest legal victory over unjust conditions that has ever occurred in the United States. It is a declaration that an employer may conduct his business with employees who will earn their wages. The decision means practically that employers may use the 'open-shop' policy without interference from incompetent men. It bars boycotting and cheap carriers of signs in front of the place where a man is conducting a business that is honest and to the interest of the public. Through the decision competent men who refuse to pay the toll exacted by labor unions for the privilege of working for their living are given the protection of the law. Employers are equally protected in so far as they are privileged to hire such men as can perform their duties. I do not

believe that the state Supreme Court will reverse Judge Hunt's decision.—T. C. Van Ness, counsel for the Stable Owners' Association.

SOUNDNESS OF THE DECISION QUESTIONED.

"I do not question the abstract principles of individual liberty, justice and equality before the law to which he refers as the basis of his conclusions and judgment; but I do not think that he has satisfactorily disposed of the act of the Legislature forbidding the issuance of injunctions in such cases. If the testimony of certain witnesses of the plaintiff was true it showed that crimes had been committed by individuals which should be punished according to the provisions of the penal statutes, and an injunction should not be issued to restrain the commission of crimes. The defendants are anxious to have the constitutionality of that statute finally and conclusively determined, and I believe that members of labor unions generally share that desire. I am of the opinion that the matter will not be permitted to rest on the opinion of Judge Hunt, but that an appeal will be taken to the Supreme Court."—J. G. Maguire, counsel for the Stablemen's Union.

EFFECT ON INDUSTRIAL CONDITIONS FAR REACHING.

A permanent injunction was granted by Judge John Hunt restraining the Stablemen's Union from further effort to make effective, by means of threats, intimidation and the use of "pickets," a boycott declared against the Nevada Stables. In its effect upon industrial conditions no more sweeping decision has

been rendered on the Pacific coast. The judge's opinion enters exhaustively into the right of organizations to boycott, and points to the long line of authorities that declare the boycott illegal. Continuing, the decision divests the union of its one remaining defense—the act of 1903, which was passed at the demand of the labor leaders, and which prohibits courts of equity from interfering by injunction to restrain combinations of men in trade disputes from committing acts which, if done by one person, would not be criminal. This statute, the court holds, is class legislation and unconstitutional. This decision, if upheld by the Supreme Court, will go far toward preventing scenes of violence during strikes.—San Francisco Call, August 7, 1904.

ANTECEDENTS OF THE CASE.

Judge John Hunt of the Superior Court handed down a decision which, in its effect upon industrial affairs, is the most important ever rendered on the Pacific coast. This decision was reached in the case of E. G. Pierce, proprietor of the Nevada Stables, supported by the Citizens' Alliance, against Stablemen's Union, Local No. 8760.

This suit had as its purpose the quieting of the striking stablemen that harassed, threatened and terrorized the non-union men employed by the stable owners in place of union men who refused to work when demands made by them were rejected as unreasonable. In the prayer of his complaint Pierce demanded that an injunction issue perpetually restraining the defendant union from interfering with his

business in any way, from picketing his premises and from molesting or intimidating his workmen and patrons. His prayer has been granted by Judge Hunt, and in language that is plain and supported by higher authority the court reaffirms the principle that the right to labor is natural and inalienable.

Judge Hunt's opinion will serve to clarify the local atmosphere, which has long been clouded by controversy between employer and employe. His order is the most sweeping ever issued by a western court against the common practices of unionism. In view of the fact, however, that the constitutionality of a statute upon which the unions based their right to boycott and make the same effective is ruled against, the case will not rest on Judge Hunt's decision. It will be carried at once to the Supreme Court by the defeated organization. This fact was announced in Judge Hunt's courtroom yesterday morning by C. P. Munroe, captain of the stablemen's pickets, who was present to hear the reading of the decision.

STABLEMEN RESTRAINED.

In June Judge Hunt issued a temporary restraining order against the stablemen that were boycotting Pierce's stable and committing various acts tending to injure his business. When the hearing came up on a motion to dissolve the injunction it was agreed between James G. Maguire, attorney for the union, and T. C. Van Ness, attorney for the stable owner, that the case should be tried on its merits and should be a test case of the right of unions to boycott and commit

other acts against a business without fear of injunction from a court of equity. The statute upon which the union relied follows:

Section 1. No agreement, combination or contract, by or between two or more persons to do or procure to be done, or not to do or to procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employes in the state of California shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime, nor shall such agreement, combination or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this act shall exempt from punishment, otherwise than is herein excepted, any persons guilty of conspiracy, for which the punishment is now provided by any act of the Legislature, but such acts of the Legislature shall, as to the agreements, combinations and contracts hereinbefore referred to, be construed as if this act were therein contained; provided, that nothing in this act shall be construed to authorize force or violence, or threats thereof.

When the case was heard evidence was submitted, largely the testimony of strikers that had been summoned, on the side of the stable owner. The union produced no witnesses. The arguments were made by Maguire and Van Ness and the case was submitted. Judge Hunt's opinion follows:

CASE IS EXPLAINED.

On the twenty-second day of April, 1904, the plaintiff, Pierce, was the owner of an interest in the Nevada Livery Stables; on that date he employed ten men, all of whom, save one, belonged to the defendant, the Stablemen's Union, which union was composed of some 600 members. At that time the relations between the plaintiff and his men were harmonious; the latter were working upon the schedule, during the hours, for the wages, and under the conditions prescribed by their union.

About 7 o'clock on the morning of that day the plaintiff was visited by a walking delegate of the defendant's union, who requested him to discharge the non-union man then in his employ and substitute a union man in his stead.

The plaintiff declined to do so; whereupon the walking delegate interviewed all of the union employes of plaintiff and they thereupon ceased work and left his employment. Shortly thereafter two pickets from the union arrived and commenced to march up and down in front of the stable entrance, one of them carrying a banner bearing the words, "Unfair stables. Union men locked out and non-union men put in."

The following day three or four pickets appeared and patrolled the premises, and within a week thereafter the number of pickets gradually increased, until upon some occasions there were as many as fifty men.

Concurrently with the strike in plaintiff's stable the union employes in some thirty-six other stables in this

city went out and were thereupon assigned to picket duty at those stables. Daily, between 5 and 7 o'clock in the evening and when patrons of plaintiff, with their horses and vehicles, were returning to the stable, there were never less than thirty and frequently from forty to fifty pickets, bearing one or more of the banners referred to and marching in front of plaintiff's stable in an elliptical formation, their line extending nearly fifty feet and completely blocking the entrance thereof. While the pickets were thus marching one or more of them was continuously shouting, "Unfair stable!"

The presence of so large a body of men, their marching, their banners and their outcries, served to attract the attention and presence of a large concourse of people, so that travel upon the street in front of the stable was congested to the extent that, upon occasions, police interference was necessary to clear both sidewalk and street.

One Munroe was appointed by the union captain of the pickets, with full authority to order, direct and control their action. He testified that his business was to see that the men acted "within the law," but the union left it to him to determine what conduct, upon their part, would be "within the law." He admitted that he was the agent of the union and that, as such, he considered it his duty to "put pressure or force" upon plaintiff. He claimed that the union had the right to take "boycotting measures" against the plaintiff and that he acted accordingly.

METHODS OF STRIKERS,

The law defines the word boycott as "an organized attempt to coerce or intimidate one into compliance with a demand by combining to abstain and compelling others to abstain from any business or social relations with him." Thus defined, the evidence herein abundantly proves that Munroe accomplished his purpose of "boycotting" plaintiff.

Daily, for nearly two months, the pickets visited plaintiff's premises, bearing the banner denouncing his business as unfair and containing the false statement that he had "locked out" union men from his stable. Every hour of the day, from 7 in the morning until 7 at night, the pickets were shouting that the stable was unfair; while Munroe, in the evening, when the concourse of people walking or riding home in the cars on Market street was the greatest, loudly called their attention to the stable and bade them "Look at this stable! The only unfair stable on Market street; the stable that always was and always will be unfair."

Upon occasions he and other members of the pickets called the plaintiff and his employes "scabs" and his stable a "scab stable." Occasionally some of the pickets uttered threats of violence against plaintiff and some of his men. The non-union employes of plaintiff were finally compelled to enter and leave the stable through the rear, but for several days after the strike they dared not leave it at all, but were boarded and lodged within it. Subsequently, under the protection of a police officer, they were escorted to and from

a restaurant, but even then they were occasionally followed and menaced by the pickets.

Upon one occasion an employe of plaintiff was attacked by two men and knocked down; one of his employes was followed to his home and struck with a rock, and another was approached by some of the pickets and urged to join the union; upon his refusal to do so he was informed that he would be "finished."

One of the health ordinances of the city forbids stable-keepers allowing manure to accumulate upon their premises, and requires its removal with reasonable expedition. When the plaintiff, in compliance with that law, sought to secure men to remove the manure from his stable, they were dissuaded from doing so by the pickets, and it was only under police protection that plaintiff, after several days, was enabled to perform a duty imposed upon him by law and sanitary considerations.

A dealer in hay who visited plaintiff during the strike to obtain orders was requested by some of the pickets not to sell to the plaintiff; they suggested to him that if plaintiff could not procure feed his horses would starve, and when the dealer refused to consider the inhuman proposition he was threatened that if he continued to deal with plaintiff he would be boycotted in his business.

Horses returning to plaintiff's stable were at times frightened by the crowd which surrounded it, and one patron of plaintiff, on that account, was compelled to enter the stable from the rear. Frequently the shouts of the pickets were boisterous, their manner

menacing and their language opprobrious and threatening.

In consequence of the boycott plaintiff was harassed and annoyed, his business was injured, he lost several customers, he was unable to hire out his hacks and road vehicles for lack of drivers and was compelled to send twelve of his horses to pasture.

BOYCOTT IS DEFINED.

The courts generally hold that the "boycott" is illegal; it has been thus held in Virginia, 84 Va. 927; New Jersey, 53 N. J. Eq. 101; Kansas, 83 Fed. Rep. 912; Michigan, 118 Mich. 497; Massachusetts, 167 Mass. 93; Illinois, 101 Ill. App. 355, and in Minnesota, 45 Fed. Rep. 135.

This action was brought to obtain a permanent injunction against the defendants, the Stablemen's Union and others, to restrain them from continuing the "boycott." Upon filing the complaint a restraining order was issued enjoining defendants from interfering with plaintiff's business, from picketing his premises and from molesting or intimidating any of his workmen or patrons. Upon the service of the restraining order the "boycott" ceased. The cause was tried and submitted and the facts hereinbefore enumerated were proven by overwhelming evidence. There is no testimony, however, implicating the defendants, E. Maza and John Killian, and as to those defendants the action is dismissed.

The only question of law to be determined, therefore, is the question of remedy. The defendant's counsel claims that the plaintiff's remedy, if any

must be sought, either in a criminal proceeding or in a civil action for damages. In respect to the former claim it is to be noted that a wrongful act is, in respect to its nature, either a public offense or a private injury; but, in respect to remedial consequences, it may be both. The state may punish a wrongdoer by imprisonment, but that circumstance in no wise impairs the civil remedy of the aggrieved party. In *ex parte Debs*, 158 U. S., 591, the United States Supreme Court says: "When there is an interference, actual or threatened, with property rights of a pecuniary nature, the jurisdiction of equity arises, and is not destroyed by the fact that such acts are accompanied by, or are themselves, violations of a criminal law."

In this case the answer admits that, if the defendants are not restrained, the plaintiff's business will be completely destroyed. For such a wrong the penal code affords the plaintiff no remedy. The criminal law cannot recompense plaintiff for loss sustained, cannot restrain others from committing like acts, cannot enjoin the union from continuing the boycott, nor can it prevent a threatened injury to his property.

Would a civil suit for damages avail the plaintiff? In this case the answer admits that the defendants are financially irresponsible, hence a money judgment against them would be unavailing. Furthermore a resort to civil proceedings would involve a multiplicity of suits. There are 600 members of the defendant's union, several hundred of whom must have participated in the "boycott" of plaintiff; the number

and personnel of the participants, however, was constantly changing, in the morning one or two, in the afternoon four or six and in the evening from thirty to fifty; the names of the picket men were, and are, unknown to plaintiff; besides, some participated in the proceedings to a less obnoxious degree than others, some were present oftener than others, some employed opprobrious epithets and others did not. But, even if the participants were known, it would be difficult to prove the amount of damage which the act of each individual occasioned; or, if that were determined, it would still be necessary to commence several hundred suits and engage in a litigation which, in any event, would be barren of financial results, in consequence of the impecuniosity of the parties. It must be apparent, therefore, that an action for damages would afford plaintiff no remedy.

REMEDY OF INJUNCTION.

Now, it is a cardinal rule of equity jurisprudence that, where injury to property is threatened by the acts of parties who are unable to respond in damages, or where the redress of an injury will occasion a multiplicity of suits, or where the damage resulting is irreparable, a court of equity will furnish the injured party the only remedy that can avail him, to wit, the remedy of injunction.

Hence it follows that the pivotal question in the case is this: Is the plaintiff entitled to an injunction? Defendant's counsel claims that he is not so entitled; that even if the defendants cannot respond in damages, even if the injury done, or threatened to be

done, was, or is, irreparable in its nature, even if a multiplicity of suits would be occasioned, and even if the pecuniary damage sustained by plaintiff would be difficult of ascertainment, still a court of equity cannot enjoin the acts complained of because an act of the Legislature of this state passed March 20, 1903, forbids it from doing so. (See Statutes 1903, p. 289.)

That act, in some of its features, is literally taken from the English statute of 1872, which regulated criminal conspiracies. Both the English statute and the above act provide that no agreement, contract or combination, by two or more persons, to do, or to procure to be done, an act in contemplation or furtherance of a trade dispute between an employer and an employe, shall be criminal, nor shall those engaged therein be indictable or punishable for the crime of conspiracy, if such act, committed by one person, would not be punishable as a crime. Then follows a provision, in the act of this state, not contained in the English statute, to the effect that such combination shall not be considered as in restraint of trade; "nor shall any restraining order or injunction be issued in relation thereto; provided that nothing in this act shall be construed to authorize force or violence or threats thereof."

In this case, the proofs, as we have seen, abundantly show threats, force and violence; nevertheless, defendant's counsel contends that a court of equity is prohibited from issuing injunctions in cases of "trade disputes" between employer and employe; and

that the legislative declaration against threats, force or violence is applicable only to the subject of conspiracies; and that no matter what force or intimidation "is practiced upon the employer, by the employe, in a trade dispute" equity is powerless to relieve by injunction.

Plaintiff's counsel contends that, if the act of 1903 admits of such a construction, it is unconstitutional.

It is observed that the act in question is in the nature of criminal legislation; it relates to conspiracies as crimes, and attempts to exempt certain conspiracies from the operation of a penal statute. It declares, for instance, that an act which is not a crime, when committed by one, is not criminal when committed by many.

Now an act may be unlawful without being a crime, for one is a private injury, the other a public offense.

MANY CANNOT EXCUSE WRONG.

But if the act done be unlawful, and damage is occasioned thereby, it avails nothing under the common law, whether the wrongful act was done by one or by many in combination; in either event, the law awards redress against one and all of the offenders. But, in my opinion, it is not true, at least in a civil sense, that what one may do, many may do. The law recognizes the potency of numbers; it is numbers which is an inseparable element in conspiracy, combinations or unlawful assemblies. The threat which, if uttered by one, might be innocuous, if uttered by many may well serve to intimidate. In this case a

single picket, marching in front of plaintiff's premises, could not be regarded as an obstruction to the street, nor could he amount to an "unlawful assembly;" but when a band of fifty pickets marched in a circle, and obstructed the plaintiff in the free use of his property, they became and were a nuisance, and were guilty of a misdemeanor.

The plaintiff employed but ten men at the time of the strike, and yet several hundred union men participated in the acts complained of. It cannot be assumed that this aggregation were seeking to obtain the places which plaintiff's union men voluntarily abandoned; on the contrary, their purpose was avowedly to enforce the authority of the union, and to dictate to plaintiff whom he should, and whom he should not, employ. That the plaintiff was injured in his property rights cannot be gainsaid; that the acts of defendants, if continued, would have ultimately destroyed his business is admitted. If defendant's acts were unlawful, the law presumes that their intent was unlawful; and the act of 1903 could not and does not sanction a combination to accomplish an unlawful act.

But, aside from these considerations, I am of opinion that the act in question, in so far as it attempts to deprive courts of equity of the power to issue injunctions in cases of "trade disputes," is unconstitutional, for the following reasons:

First. It violates that provision of our state constitution which declares that "all men have certain inalienable rights, among which are those of enjoying

and defending life and liberty, acquiring, possessing and protecting property." This provision is contained in the Declaration of Rights, and it forever safeguards the rights of persons and the rights of property. Freedom is of the spirit and essence of the constitution; but freedom thus guaranteed to the citizen no more implies a license in one man or in any combination of men to harass or injure another in the pursuit of his lawful business, than it implies a license to deprive him of his personal liberty. The constitution alike protects natural freedom and industrial freedom.

If the right of property is inalienable, the right of labor is inviolate. In *Billings vs. Hall*, 7 Cal. 7, the Supreme Court of this state, commenting upon the constitutional provision in question, refers to it as "one of the fundamental principles of enlightened government, without a rigorous observance of which there could be neither liberty nor safety to the citizen. If one of the primary objects of government is to enable the citizen to acquire, possess and defend property, how can it be impaired by legislation?" The right to labor is a right of property, and the duty to protect it is the highest office of our laws.

LABOR IS MOST SACRED.

In 127 Cal. 13, the Supreme Court quotes with approval the following extract from *State vs. Goodwill*, 33 W. Va. 179: "The property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolate." Hence no syndicate of employers or union of

employees can bar one of the right to labor, for the right to labor is the right to live; but how can it be said that a right is inviolate if, when violated, the law affords no redress? For the law to declare a right, and then deny it all means of enforcement, would be to

“Keep the word of promise to our ear,
And break it to our hope.”

But such a reproach does not rest upon the law; for it is one of its oldest and best maxims that, “Where there is a wrong, there is a remedy.” Hence when a property right is violated, and the common law affords the injured party no remedy, equity will intervene to redress the wrong. To deny the plaintiff equitable relief for the invasion of his rights of property is to deny him due process of law and to violate a fundamental principle of the constitution of the state; for a right without a remedy is no right at all.

Second. The provision in question is special legislation, inasmuch as it is not of uniform operation; under it litigants do not stand equal before the law. While it is true that class legislation is, in the nature of things, sometimes proper, yet such classification must be founded upon differences, either defined in the constitution or natural in themselves, or which suggest a reason which might naturally be held to justify a diversity of litigation.

In *Johnson vs. Goodyear Co.*, 127 Cal. 7, the Legislature attempted to confer upon the employees of a corporation certain legal rights, which other employees

did not possess; and the law, upon that account, was held unconstitutional.

The provision is special legislation, because, in matters of "trade disputes," it denies to employers an equitable remedy which it accords to the non-employing class; it applies to "trade disputes" a rule not applicable to other disputes; one class of property and one of property owners, under certain conditions, may obtain equitable relief, which, under the same conditions, this act denies to another class of property and property owners. The owner of real estate is entitled to an injunction against a trespasser whose acts threaten his possession; but, under this legislation, the man who owns a business, under like conditions, is denied like relief.

The provision is special legislation because it applies only to a particular class and makes employes the immunes of the law.

The constitution of the state provides that no citizen, or class of citizens, shall be granted privileges, or immunities, which, upon the same terms, shall not be granted to all citizens.

If the acts herein complained of were committed by an organization of men between whom and the plaintiff the relation of employment never existed, the plaintiff's right to equitable relief would be undoubted; but, under this provision, if one or more of his employes, in combination with others, commit these acts, the equitable remedy does not exist. In my opinion there can be no legal support for such leg-

isolation, undermining and destroying, as it does, a constitutional right.

PROVISION IS VOID.

Third. The provision in question is void because it seeks to deprive the Superior Court of a judicial prerogative conferred upon it by the constitution. The constitution provides that "the Superior Court shall have jurisdiction of all cases in equity." If the Legislature can deprive a court of equity of the right to issue an injunction in a case like this, then it could deprive it of the right to issue an injunction in any case; it could absolutely divest the court of what is and always has been one of its most potent remedies, thus nullifying its powers and making impotent its decrees.

Defendant's counsel upon this point relies upon the Wright case, 139 Cal., 474, and the Spreckels case, 117 Cal., 377. In each of those cases one court sought to enjoin judicial proceedings in another court and, in each instance, it was held that the court was powerless to make such an order. In the Wright case the court held that the Legislature may restrain the judicial power to enjoin, "when, by statutory changes, some right ceases to exist and in cases of equitable cognizance which no longer arise." This case does not fall within either of the above classes. The right of property granted to the plaintiff by the constitution is not a right which has ceased to exist; nor have the cases in which an injunction is necessary in order to prevent a multiplicity of actions ceased to be cases of equitable cognizance.

It is undoubtedly true that the Legislature, as was held in these cases, may alter, or regulate, remedies and procedure, legal or equitable, but it cannot destroy a substantive remedy, nor can it defeat the enforcement of a constitutional right by depriving the injured party of the only remedy that the law can award for its violation. This case is manifestly one of equitable cognizance, for the reasons already stated; and, in 24th Cal., 409, the Supreme Court declared that "in matters of equitable cognizance powers granted by the constitution cannot be taken away by legal enactment."

For each and all of the reasons hereinbefore stated, I am of the opinion that, in so far as the legislative act in question attempts to deprive a court of equity of the power to issue injunctions in cases of this character, it is unconstitutional and void.

The defendants herein rely entirely upon the constitutionality of the legislative provision in question. As I cannot sustain their contention in that regard, it follows that, in consonance with the views herein expressed, a decree should be entered in favor of plaintiff as prayed for. It is accordingly adjudged that plaintiff is entitled to a final decree of injunction against the remaining defendants, in substantial accord with the restraining order previously granted herein, and counsel will prepare a decree accordingly.

ARBITRATION VS. THE TRADE AGREEMENT.

We present this week an illuminating article by Prof. John R. Commons, which may be taken as fairly indicating the drift of opinion among close students of the labor problem away from the more or less sentimental faith in arbitration as a cure-all, and toward the practical value of negotiation directly between the parties concerned, and the trade agreement. Negotiation, free conference in advance of trouble, is one of the planks in Public Policy's labor platform, and, with the qualifications Professor Commons names as essential, we are able in the main to indorse the kind of trade agreement for which he stands. He does not argue the merits of the trade agreement beyond showing upon what conditions it will prove mutually advantageous to employer and employes; the more recent character that has been given it by the courts of Illinois and Wisconsin as of the nature of monopoly, and hence illegal *per se*, is not touched upon.

But it seems to us that the conditions back of the agreement, whenever entered into, are really of more vital public concern than the question of its monopolistic aspect, for the simple reason that *any* exercise by the employer of his right to select such help and upon such terms as he may choose might on quite as good logic be interpreted as creating monopolistic exclusion of other classes of applicants. Dismissing that phase—the trade agreement when forced upon the employer, or when taken advantage of as a means of

"working" him under the assurance of guaranteed employment for the time being, is an iniquity and an abomination. *Per contra*, under such conditions as Professor Commons suggests, it may serve as a most practical and useful basis of established peace between employers and men, rendering the conditions of industry definite for definite periods of time, so far as the labor feature is concerned, and thereby removing one of the chief elements of uncertainty from which manufacturers suffer in the accepting of contract orders for future delivery. This increased stability of business is often of greater importance to an employer than the opportunity to make little savings on the wage scale from time to time, which usually involves incessant dispute, stoppages and costly delays.

The trade agreement will become the ideal basis of employment relations in proportion as less and less emphasis is laid upon making it an ironclad closed-shop contract, but instead converting it into a bulwark against unfair discrimination by either party, leaving the employer free to select help on the test of superior competency, and the union free to keep the shops organized by seeing to it that this superior competency is always to be found within the union ranks.

ARBITRATION, CONCILIATION, TRADE AGREEMENT.

BY JOHN R. COMMONS.

(From the Independent, New York.)

(All students of social problems will be glad to

know that funds have been subscribed to the amount of at least \$30,000 for the preparation of a "History of Industrial Democracy in the United States." Professor Ely, of the University of Wisconsin, will have charge of the work, and his chief collaborator will be John R. Commons, who has contributed some of the most valuable articles, signed and unsigned, on industrial conditions published in the Independent, and who has just been made professor of political economy in the University of Wisconsin to enable him to take part in the production of this work. Professor Commons, until he accepted this call, was the statistician of the National Civic Federation. In the following article he seems to point out a really practicable solution of the labor problem, if there be a solution. In our opinion Professor Commons knows more that is true about the mutual relations of capital and labor than any man in the United States.—Editor the Independent.)

MEANING OF TERMS.

In this article the word arbitration is used to mean a decision by an umpire or board of disinterested outsiders.

By conciliation is meant the good offices of disinterested parties in bringing together the representatives of the contestants and helping them to reach an agreement without, however, making a decision.

By trade agreement is meant an agreement between the representatives of the interested parties to govern future work and wages.

These definitions are given to begin with because it is expected to show that arbitration, in the proper sense

of the term, is a makeshift and a sign of weakness; that only imperfectly does it establish justice or guarantee peace; that it has been abandoned or limited wherever the parties have had experience with it, and that the true solution of the problem of organized labor and capital is the trade agreement.

INTERPRETING AGREEMENTS BY ARBITRATION.

First, the distinction should be drawn between making a trade agreement and interpreting an existing agreement. A trade agreement lays down rules and regulations for the guidance of all individuals who accept its terms. It is an act of legislation wherein the different parties come together and work out an adjustment of their more or less conflicting interests. Such legislation will always be indefinite on some points of detail and will not cover all of the conflicting interests that may arise. When such a case occurs it requires interpretation, but this interpretation is simply a statement of what it is believed the agreement itself would have stated had the case been brought up when the agreement was made. If the parties themselves cannot agree on this interpretation, they call in an arbitrator, and the arbitrator's task is comparatively a simple one, for he has the agreement before him as a guide. In discussing the proper place of arbitration I refer less to this strictly judicial field than to its use in the legislative field of the trade agreement. Yet, even in the field of interpretation it has been found that the arbitrator is seldom needed. A board of conference or conciliation, sometimes inexactly called an "arbitration

board," composed of representatives of both sides, can usually agree upon an interpretation, and it is no unusual thing to learn of an agreement system like that of the stove founders, the bricklayers, the mine workers and others, in which, in the course of five, ten or twenty years, the conferees have never, or at most only once or twice, called in an umpire. Setting aside, then, the minor question of the interpretation of an existing agreement, we come to the main question of the trade agreement.

AGREEMENTS MORE EASILY ENFORCED THAN AWARDS.

Consider, first, the probability that a trade agreement will be faithfully enforced compared with the probability that an arbitration award will be enforced. A trade agreement is a contract between two associations drawn up by their representatives. An arbitration award is also a contract, but it is drawn up by an outsider irresponsible for its enforcement. Now, fidelity to contracts is the first essential to a renewal and continuance of contracts. But in our American jurisprudence there is no authority that compels the parties to observe either a trade agreement or an arbitration award. It is not a contract law—it is only an understanding. Its observance depends solely upon the self-interest and the honor of the parties. Which of the two kinds of contract will appeal more strongly to this self-interest and this honor?

A trade agreement is a contract accepted and signed by the representatives after all its terms have been fully discussed and understood. But an arbitration award

is a contract accepted and signed in the dark before either party knows what he is binding himself to do. It stands to reason that every representative who has had a voice in making the agreement, and then accepts it with his eyes open, will feel more keenly his personal obligation in having that agreement faithfully obeyed, than he will when he can disclaim personal responsibility for any unsavory terms of the agreement. The representatives who sign the agreement are the most influential and respected of the members of the two associations. They nearly always include, moreover, the executive officers of those associations whose duty it is to enforce the contract on any recalcitrant members. These officers are certain to be more independent in forcing obedience when they know that they have the backing of the strongest representatives of the rank and file.

ADVANTAGE OF NUMBERS IN TRADE AGREEMENTS.

For this reason a trade agreement should always be made by as large a body of representatives as can possibly be admitted to the conference. The Interstate Conference of the bituminous coal industry seems an expensive affair, with its 500 mine workers and 100 operators, and the detailed work is actually done by a small committee. But every one of these delegates realizes, as he could in no other way, the impossibility of getting a settlement that will suit everybody, and he goes back to his local a missionary to explain the agreement and to show why it is the best that could be obtained. The expense of these delegates is but a

small price to pay for the enormous educational results of this contact with the operators and their influence with the locals. For the observance of an agreement neither the leaders of the men nor the leaders of the employers can be most successful unless they have their constituents educated up to the conditions of the industry and the strength of the opposition. If these negotiations were conducted by only a small number of the executive officers the opportunity would be open for charges of undue pressure, secret understandings or ignorance of local conditions, and the result would be dissatisfaction and difficulty in enforcing the agreement. But with a large and representative committee on each side, the prospects of effective enforcement are greatly improved. The trade agreement, therefore, when the proper machinery is adopted for drawing it up, much more than an arbitrator's award, is likely to be observed faithfully and renewed peacefully.

THE APPEAL TO FAIRNESS.

This is emphasized by the difference in attitude of the two parties when they appear before an arbitrator and when they meet to make an agreement. It is all the difference between arguing a suit in court and settling it out of court. In the court proceedings each side takes advantage of every point, makes no concessions and becomes generally belligerent and unconciliatory. By meeting out of the court any liberality or concession on one side is likely to induce similar liberality on the other side. Appeals are made to the spirit of equity and fairness, and it is only as

this spirit of equity is cultivated that a permanent solution can be found. A decision reached in any other way leaves a bad taste and rankles in the breast, and must be decided over and over again on the occasion of any petty dispute, with always the imminent danger of outbreak and defiance.

A CASE IN POINT.

When the stove founders and the molders adopted their agreement system they debated long and earnestly on this subject, and finally decided to have no arbitration even on questions of interpretation. Mr. Castle, one of the participants, in speaking of this debate, relates that "the question was asked of one who was most strenuous for arbitration, 'Would you, if a member of an arbitration committee, representing your side, concede anything of importance, even if you became convinced it was right to do so?' and his reply was 'No; I should feel obliged to win, if possible, through the odd man.'"

DIFFICULTIES OF ARBITRATION.

The word "arbitration" makes a sentimental appeal, because it seems to call for justice between man and man. But it is doubtful whether an arbitrator can possibly satisfy even himself as to what is justice in a given dispute. The conditions are too complicated and he has no rules for his guidance. See what the arbitrator must take into account: He cannot, of course, determine what share labor produces and what share capital produces of the joint product, for he gets no help, for example, from the socialist, who

holds that labor produces the whole product, nor from the economist, who holds that each produces what he actually gets. Abandoning this search, suppose he tries to discover what are fair profits and fair wages? Here he meets two kinds of problems, one that of wages and hours, and the other that of rules and regulations. Wages and hours are by far the simpler of the two, yet consider what a just decision involves. The arbitrator must first decide whether the industry can afford to pay the increase. To do this he must decide what is a fair rate of profit. Shall it be 5 per cent or 10 per cent or 15 per cent? This is a matter upon which no two persons will agree if their interests clash. But even after this is decided, he must decide whether that rate of profit shall be earned on the par value or on the market value of the stock and bonds, or on the actual investment, or on the cost of reproduction, and whether good-will shall be entitled to profits as well as tangible capital. If he decides in favor of the actual investment or cost of reproduction, he must have the help of an accountant and an engineer, or a purchasing agent, to discover what has been the actual investment, or would be the cost of reproduction. After determining all these essential points he finds that his work is useless because the profits of different employers are not the same, and some of them are already on the verge of bankruptcy, so that if their expenses are increased they must get out of business. Finally, the arbitrator cannot take into account the possibility of the employer being able to shift the

increase over to the public through raising the prices of his products, because he does not know the condition of the business. No wonder, therefore, that the Anthracite Coal Commission refused to listen to testimony respecting the ability of the companies to pay the increase of wages demanded. Such would have been a hopeless and endless task, and even if they could have satisfied themselves, which is impossible they could not have satisfied either the operators or the workers. They limited their inquiries to determining what would be a fair wage and fair hours of work, leaving to the companies the problem of meeting the increase granted as best they could.

EVIL OF SPLITTING THE DIFFERENCE.

But fair wages and fair hours of work involve another investigation, almost as hopeless as that of fair profits. Whether the cost of living has decreased or increased and how much; whether the wages and hours of similar labor in other fields should be taken as a standard; whether hardships and dangers reduce the trade life of the workman; whether employment is steady or interrupted; whether luxuries, comforts, leisure and the fruits of civilization are included in the standard of living—it only needs a statement of these vital questions to show how impossible is their answer from the standpoint of justice. The arbitrator looks about for something more definite. He finds nothing but the demands and the counter-demands. The workmen ask an increase of 20 per cent in wages and eight hours. The employers ask existing wages and ten hours. Here is something definite, and since both

cannot be right, and each appears to be right, the arbitrator can usually do nothing but split the difference. So frequently and unsatisfactory has been this experience with arbitrators that they are avoided wherever possible, and the English agreements generally require the arbitrator to decide "yes" or "no," as in a court of law, without trying to satisfy both parties.

ARBITRATORS SELDOM UNDERSTAND SITUATION.

So much for wages and hours. When it comes to the rules and regulations the task of the arbitrator is even more difficult, and his decision sometimes actually brings confusion. In order that he may be disinterested it is usually necessary to select an outsider who is not acquainted with the business. Union rules designed to meet specific evils have, therefore, little significance to him, or he does not understand the way in which they work. No one can appreciate the reasons for these rules who lacks the technical knowledge. A technical man is really required, but he could not be disinterested. The history of the agreement between the International Typographical Union and the American Newspaper Publishers' Association shows clearly this defect, and the recent revision of that agreement is an acknowledgement of the failure of arbitration in so far as rules and regulations are concerned. The revision consists in taking these subjects out of arbitration and leaving them solely to negotiation, first, between the local unions and the local publishers, then, on appeal, between the International Union and the commissioner and general com-

mittee of the publishers. There are left to the arbitrator only the questions of wages and hours, and of such local rules as directly affect hours and wages. This experience in the newspaper business bears out the experience in all trades where arbitration has been tried.

UNION VERSUS OPEN SHOP.

Besides rules and regulations there are certain questions of policy and expediency, which are not subject to arbitration and must be settled by negotiation. Among these the largest is the union vs. the open shop. When this subject was submitted by the Typographical Union and the Typothetæ to Mr. Seth Low some years ago, he refused to pass upon it. He said, in explanation, that "this is a question ordinarily decided by power. If the union is strong enough to carry its point an office is made a card office. If the employer is strong enough to maintain his position, he declines to have his office made a card office. No arbitrator," he said, "could find that an employer should be constrained against his will to shut his office either to union men or to non-union men." If that question is not to be decided by arbitration, then, of course, one of the important causes of strikes and lockouts must be handled solely through the trade agreement. And, indeed, this is the only proper solution, for the question is one of expediency and mutual advantage, to be determined by experience and good judgment. Whether the union can and will provide greater security and other advantages to the employer through the closed shop than through the open shop

is a question solely for the employer to decide under the circumstances. It involves questions too large for arbitration, such as the character of the union and its leaders, its record as a business organization, its observance of agreements, its policy on sympathetic strikes, its control of the supply of competent mechanics, its terms of admission and apprenticeship, and its modes of discipline. In these respects unions differ widely, and the same union is continually changing, so that there is no constant standard to guide the arbitrator. The question is wholly one of the balance of advantage, and if it cannot be settled by negotiation and conciliation, it cannot be settled at all.

It is plain from the foregoing observations that arbitration, in the correct sense of the term—*i. e.*, an award by an umpire or disinterested board of outsiders—is a makeshift in that it does not enlist the hearty support of both sides in its enforcement, while it tends to confuse the rules and regulations of the trade, fails to establish justice in the matter of wages, and cannot even be invoked in matters of policy and expediency.

DRIFT AGAINST ARBITRATION IN ENGLAND.

We can learn a lesson on this subject from the experience in England, where the unions are older, and there is no more convincing account of the dissatisfaction occasioned by arbitration than that to be found in the chapter on that subject by Mr. and Mrs. Webb in their book on "Industrial Democracy." From the year 1850 to 1876 trade unionists persistently strove for arbitration, but since that time, although

arbitration has risen in popularity with the public, the two combatants have seldom shown any alacrity in seeking it, and they "can rarely be persuaded to agree to refer their quarrel to any outside authority" (p. 224).

WHERE ARBITRATION MAY SUCCEED.

It is not maintained that arbitration can be wholly and everywhere displaced by the trade agreement and the conference board. It is, perhaps, well enough to provide for an umpire in matters of interpretation in order that a deadlock may not continue too long. And if it is considered desirable to bind the parties to an arbitration system for a period as long as five years, as is done in the newspaper business, it seems also necessary to provide for an arbitrator on questions of wages and hours. But if we reduce the matter into its simplest terms we shall probably find that the occasions when it is necessary to fall back on an arbitration proper are the following:

1. When a representative of either side does not want to face his constituency in making a concession.
2. When a new union or a new employers' association, inflated by a novel feeling of strength, finds itself unexpectedly against a hard reality, and looks about for a way out.
3. When the parties have agreed between themselves on all points, except one or two, and these have been reduced to such simple and untechnical terms that any person of integrity and intelligence can give a decision.
4. When the public is so seriously damaged that it

practically forces the contestants to submit to outside interference.

In mentioning these cases and contingencies, which seem to call for arbitration, it will be seen that the resort to the arbitrator is a sign that the parties are not well organized, and therefore are inexperienced, or that the representatives are afraid of their constituents, or that the industry is a public utility. It may well be argued that in the case of a public utility arbitration is necessary; but, if that is so, it is because the rights of the public become paramount and the parties must subordinate their business to public control. If this is conceded there is no half-way measure short of making arbitration compulsory or legal, not, however, as a means of securing justice between the parties, but as a means of securing peace. In other cases the public can wait until the time when, through the better acquaintanceship and confidence promoted by the trade agreement, the arbitrator will gradually fade into the background.

GOVERNOR PEABODY'S RECITAL OF COLORADO'S WOES.

The abstracts which have appeared in the daily press of Governor Peabody's statement to the people of Colorado give an unsatisfactory impression of the strength of his presentation of the labor situation; the address in full is an important contribution to the history of Colorado's miseries during the last few years and is well worth the space we give it in this issue of

Public Policy. It has been a matter of extraordinary difficulty to get an absolutely trustworthy and unprejudiced picture of the conditions that have prevailed, especially during the period of martial law, and there is no reason to suppose that Governor Peabody has fully and finally satisfied the demand in his latest defense. In the nature of the case he makes a special justification of his own course, but it is not necessary to share every opinion expressed by the governor to recognize the force of his recital of certain facts prominent in the development of the conflict between law and anarchy.

Indeed, the strongest part of the governor's statement is precisely that upon which the largest amount of corroborative testimony exists, namely, the record of the Western Federation of Miners wherever that organization has obtained a controlling grip in Colorado and neighboring states. "This record," he says, "convinced me that the overt acts which have been committed in Cripple Creek were but forerunners of others, and that with the executive officers of Teller county in direct collusion with this organization it would be but a few days until a reign of terror, involving loss of life and property, would be established in that district. The federation is led and absolutely controlled by unscrupulous men. Only two of the executive committee are residents of the state, and none of the committee has anything in common with the state's interests. The character and history of this federation must be held constantly in view in determining whether or not the policy I have pursued is wise and proper.

There is no other organization with such character and such a history in the United States."

GOVERNOR PEABODY'S DEFENSE.

AN EXPLANATION OF HIS COURSE IN DEALING WITH COLORADO LABOR TROUBLES.

To the People of Colorado: There is a prevalent idea in this country that the properties which pertain to the higher executive offices should deter their incumbents from engaging in any controversial discussions of their policy or action, limiting the executive functions in that regard to the messages that from time to time are made to the Legislature.

I would not at this time depart from the observance of the rule of silence I have hitherto followed did I not believe that recent events render such departure a duty to my state. The unhappy conditions which have existed and to a degree still exist in three out of fifty-nine counties of the state have been made the pretext for the most wanton and false representations of the conditions in the state at large.

Certain newspapers of the state of wide circulation and influence, which have never been distinguished either for support of conservative policies or for condemning the excesses of the one organization which has caused our trouble, have given these misrepresentations the widest publicity.

Many of the people of our sister states, with faint notions of the truth, have been led to believe that

Colorado is in a state of anarchy, ruled by abandoned public officials, who have rendered life and liberty unsafe.

This picture has been drawn by certain citizens of our own state, who, for selfish purposes, which are apparent, seek to tarnish the fair name of a great and prosperous commonwealth.

If the public press is to be credited the delegation from this state to the recent St. Louis convention pictured before the representatives of every state in the Union the woe and desolation and degradation, the lawlessness and hopelessness of their own state.

Colorado deserves a better fate at the hands of her sons.

A FRIEND OF LABOR.

And again it has become the settled policy of those who hope to gain political advantage through the misfortunes of the people of a few localities to inaugurate by daily pronouncements a campaign of hatred, and to lead that large law-abiding and liberty-loving body of our citizens who belong to labor unions to believe that I have been, and still am, engaged in waging a war against all union labor. Nothing could be further from my policy or my desire.

The considerations above stated and many others led me to believe that it is fitting and proper for me to present to the people of this state and to the public generally a review, as brief as is consistent with a proper understanding, of the causes that led up to the labor troubles with which I have had to deal, and of the reasons for the policy which has been pursued.

Very soon after I assumed office on February 14, 1903, a strike was declared at the ore reduction mills at Colorado City, in El Paso county, by the Colorado City Mill and Smelter Men's Union, a branch of the Western Federation of Miners. On the night of February 14 a large number of strikers proceeded to one of the mills, and by show of force and threats drove the workmen who had refused to strike from their labor. The strikers established pickets. Employes of the mills were assaulted and conditions gradually grew worse, until, on March 3 following, the sheriff of the county petitioned me to send the militia, stating that he was unable to preserve the peace and protect life and property. A petition to the same effect was also presented at or about the same time, signed by a very large number of the most conservative, well-known and highly respected residents of El Paso county, urging that I send the militia without delay.

WORK OF COMMISSION.

This representation of conditions and knowledge gained from other sources impelled me to order out a detachment of the national guard for service at and about the mills. The strike continued, but the militia preserved order. The mills continued to operate. The statements made by the opposing sides were greatly at variance, and in order to ascertain the truth and allay public excitement, on the 19th day of March, 1903, I requested five gentlemen of acknowledged standing in the state—Prof. W. F. Slocum, Judge Charles D.

Hayt, Rev. Thomas Uzzell, Father J. P. Carrigan and Hon. Frank W. Frewen, a member of the Legislature of the state and also at that time a member of the Western Federation of Miners—to act as a commission to investigate and report to me the causes of the trouble and to seek, if possible, a friendly settlement. This body was known as the governor's commission. Dr. Slocum was unable to serve, but the remaining members acted and both sides voluntarily appeared before them and produced a mass of evidence. As a result of this commission's labors, on March 31, 1903, the officials of the mill appeared before the commission and made certain promises as to what their course would be if the strike was declared off. The president of the Western Federation of Miners, who was present, expressed doubt as to the good faith of the promises made, but stated that he would call off the strike and would ask the commission to reassemble on May 18 following for the purpose of determining whether or not the representatives of the milling company had kept the promises made.

The strike was declared off. On May 18 the federation insisted that the promises made, as I have stated, had not been kept.

The commission reassembled. The statements of the federation and of the mill management were presented. The commission unanimously reported to me that the promises had all been fulfilled, closing as follows:

"Your advisory board is of the opinion that Manager McNeil has used all possible efforts to re-employ

the striking millmen in accordance with his assurances made before said board."

BEGINNING OF GREAT STRIKE.

Notwithstanding this report a strike was again declared against the mills. It was ineffectual, and there-upon a sympathetic strike was declared by the federation in Cripple Creek to cut off the ore supply of the mills. The president of the federation stated before said commission that no grievance existed against the mine owners.

It has been contended, and apparently believed, that this strike was called because of the failure of the Legislature to enact an eight-hour law. As a matter of fact, the strike at Colorado City was called on the 14th of February, some five or six weeks before the adjournment of the Legislature, which then had under consideration an eight-hour law, and at the same time when every indication pointed to the enactment thereof. The Standard Mill, at which the strike occurred, had been an eight-hour plant for five years, working the eight-hour day in every department save one, and that one employing but a small proportion of its men. In his testimony before the governor's commission, above referred to, Mr. Moyer, president of the federation, in response to the direct question as to whether or not he had any complaint to make as to the hours of labor, replied, "None whatever."

So far as the Cripple Creek district is concerned, the mine workers have worked a maximum of eight hours per day for over ten years, and out of this time one-half hour is allowed for luncheon, receiving the

union scale of wages, which is a minimum of \$3 and an average of nearly \$4 per day.

FOUR THOUSAND QUIT WORK.

In response to the call for a strike in the Cripple Creek district some 4,000 men discontinued work, and every mine except one was effectually closed. The sheriff and nearly every peace officer of the county were members of the Western Federation of Miners and owed their positions to the votes and influence of that organization. Almost immediately after the calling of the strike the mine owners decided to open their mines as rapidly as possible. One property was opened under heavy private guard. Early in September, however, an effort was made to bring about the general opening of the mines of the district. As soon as this was done picketing and intimidation and murderous assaults were resorted to.

I well knew the history and character of this organization. It is, in fact, a matter of common knowledge in Colorado that for ten years this federation has stopped at nothing to accomplish its purpose. Threats, intimidation, assaults, dynamite outrages and murders have everywhere characterized its policy. It has been the occasion of more trouble and expense to the state than all other causes combined, including Indian raids. It has never had a strike that has not been bloody. The catalogue of its crimes affrights humanity. In times of strike its action has amounted to open insurrection against the state.

QUOTES PRESIDENT BOYCE.

The leaders of this organization have instilled into

the minds of its membership the necessity of arming themselves for the purpose of resisting constituted authorities. In his speech delivered in Salt Lake City in 1897 Mr. Boyce, then president of the Western Federation of Miners and the man who organized the Colorado branch of this organization, said:

"I deem it important to direct your attention to Article II of the constitutional amendments of the United States—'the right of the people to keep and bear arms shall not be infringed.' This you should comply with immediately. Every union should have a rifle club. I strongly advise you to provide every member with the latest improved rifle, which can be obtained from the factory at a nominal price. I entreat you to take action on this important question, so that in two years we can hear the inspiring music of the martial tread of 25,000 armed men in the ranks of labor."

This utterance is in line with advice repeated and reiterated by other leaders of the organization.

Nor have these words been sterile of fruit. In every strike inaugurated by this union in the state of Colorado has been followed the precedent set in Idaho in 1892, when 1,000 men armed themselves with rifles, pillaged boldly from the state armory, and openly proceeded to take life and destroy property by dynamiting the Bunker Hill and Sullivan mill.

SOME BITS OF HISTORY.

In 1894 federation members, armed to the teeth, intrenched and picketed, and with precise military or-

ganization, defiantly held prisoners for exchange on Bull Hill in Cripple Creek.

In 1896 federation members killed in open conflict on the streets of Leadville citizens of Lake county, and did these murders with rifles bought and paid for by the local executive committee of the federation.

In San Miguel county, Vincent St. John, president of the local union of the Western Federation, bought and paid for 250 rifles, with which he armed his federation followers, and these guns were used in broad daylight on non-union miners at the Smuggler-Union mine in one of the most inhuman and barbarous crimes ever committed in the name of any cause.

In Lake City in 1898 again these lawless men stole rifles from the state armory and were prepared to use them to uphold their demands, and finally out of the union hall at Victor there surrendered on June 6 of this year sixty-two members of the Western Federation of Miners, bearing among them thirty-five rifles, thirty-two revolvers and nine shotguns, which were still hot with shots fired at citizens and at the uniformed militia of the state.

This record convinced me that the overt acts which had been committed in Cripple Creek were but forerunners of others, and that with the executive officers of Teller county in direct collusion with this organization it would be but a few days until a reign of terror involving loss of life and property would be established in that district. The federation is led and absolutely controlled by unscrupulous men. Only two of the executive committee are residents of the state and

none of the committee has anything in common with the state's interests. The character and history of this federation must be held constantly in view in determining whether or not the policy I have pursued is wise and proper. There is no other organization with such character and such a history in the United States.

WHY TROOPS WERE CALLED OUT.

I knew and realized this when the strike was inaugurated in Cripple Creek. I was requested by representatives of the mine operators, representative citizens of the district and the mayor of Victor to send the troops to the Cripple Creek district. Before responding to this demand, however, I sent a commission composed of Hon. N. C. Miller, attorney-general of the state; Gen. John Chase, who at that time commanded the military of the state, and Hon. T. E. McClelland, ex-United States prosecuting attorney, that they might investigate the conditions in person and report to me. In response to the recommendation of this commission troops were ordered to the Cripple Creek district on September 4, the commission having convinced me that only in this manner could the peace and quiet of Teller county be maintained and men protected in their right to follow their usual vocation.

There is no higher duty devolving upon the executive of any state than that of affording protection to men who desire to labor. In affording that protection it later became necessary, in my judgment, to confine certain men in military guardhouses as one of the saf-

est and most expeditious methods of restoring order. It was loudly proclaimed that this was without authority of law. The question was submitted to the Supreme Court and the action of the militia in that respect fully sustained.

The law-abiding citizens of the state need not be alarmed by the frenzied cry that they are all in danger of incarceration if the governor has such power. It is a useful and a necessary power and the class that should dread its exercise is not numerous. In this regard I pursued the course which seemed wisest and best and I cannot seek higher authority for its legality than the Supreme Court.

PRAISE FOR STATE GUARD.

There may have been occasional indiscretions of officers or men, as is inevitable with a large body not accustomed to such service, but whenever such instances have been brought to my attention they have been promptly and properly dealt with and the national guard of the state has been maintained on a high standard.

The troops were in the Cripple Creek district from September 4, 1903, to April 11, 1904, in diminishing numbers as conditions permitted. The general policy pursued in Cripple Creek was followed in other parts of the state and particularly in Telluride, where the excesses and crimes of the federation had been still more inhuman than in any other district and the reign of terror still more complete. Order now prevails there and it is believed that the people of that district nay at last enjoy peace and quiet.

The trouble in the Cripple Creek district had apparently subsided. The last of the troops were withdrawn, as I have stated, on April 11, 1904. The mines were all being operated with a full quota of men, who were not affiliated with the Western Federation of Miners, save only the Portland mine, where many federation members were employed. The lawlessness which has everywhere characterized the methods of that federation seemed for a time to have been abandoned by it. The district apparently was destined to enjoy a period of peace. But it proved to be only the calm before the storm. At about 3 o'clock on the morning of June 6 a mine of dynamite was exploded by means of an infernal machine placed underneath the station platform at Independence, and thirteen men were instantly blown to fragments and many others mutilated and maimed for life. All these men were non-union miners, about to board a train for their homes in the district.

This infamous outrage, following as it did years of intimidation, threats, countless assaults and murders, was the last of the series which had caused a veritable reign of terror in that mining district. The citizens of the county, inexpressibly shocked at this wholesale murder of innocent men, determined that the community must be rid of the authors and instigators of such crimes.

THE DEPORTATION OF MEN.

A public meeting was held in Victor the afternoon following the Independence outrage, and while the meeting was being addressed the crowd was fired upon

from the federation store and union hall. Two non-union miners were shot and killed and six others wounded. The local troops were called out the same evening at the request of the mayor of Victor, to prevent the excesses that seemed inevitable.

When the excitement had subsided somewhat and the county was still under quasi-military rule it was found that there were several hundred members of the Western Federation in the district who would not work and had resolved that others should not if by such methods as those employed at the Independence station they could be driven or frightened away.

It became apparent that even with every member of the national guard in that county it would be impossible to prevent the use of dynamite in the stealthy manner always employed by the federation. The mountains and gulches of that rugged country afford a multitude of safe places for reconnoiter and hiding. The troops which had already been there a greater part of the year could not be maintained indefinitely without incurring immense additional expense. The only safe and available remedy seemed to be to disperse the radical members. If all of them had not personally participated in the outrages they had at least stood approvingly by and given their support, encouragement and protection.

If these men were scattered the avenues which ten years of organization and association had opened for crime in that district would be closed. It would require much time in any other community before they could gather about them a new band of conspirators

with the inclination and daring to inaugurate in a new field another condition of terrorism. These men, as I have said, had determined never to yield the strike. The mine owners had resolved not to employ again the members of that organization. Therefore the only employment which remained for them was that of stirring up strife—committing depredations and intimidating by inhuman crimes the working miners.

I resolved that they should be dispersed and I dispersed them. This was done, however, only after careful investigation of each individual case.

I hope and believe that these men so sent from the district will, when released from the evil influences of a criminal leadership, return to lawful living and resolve that a recognition of the rights which the laws confer is the proper guide for conduct.

DEFENDS USE OF MILITIA.

From what I have said and from what is within the knowledge of every citizen of the state, it will be seen that disturbances have been limited to the mining and its allied industries. It has been charged repeatedly that the militia has been placed at the disposal of the mine owners to oppress labor. The injustice of the charge is apparent, but it will doubtless continue to be made. The militia was employed to restore order and to protect labor and property in the rights to which each is entitled under the law. The militia opposed the wishes and purposes of the federation because that organization was attempting to prevent by violence the operation of mines and mills. It is again charged

that I have been engaged in a war upon unions generally, and strenuous and repeated efforts are being made to play upon the passions of union men. I do not believe the efforts will be successful. I do not believe the conservative union men of the state will feel called upon to adopt the policy of the leaders of the federation, nor can I believe they will sanction it. I believe they will be able to discriminate between their own unions and principles, and the socialistic, anarchistic objects and methods of the federation. In the ten years of its existence the Western Federation of Miners has involved the state in a cash outlay for the militia of more than \$2,000,000.

I propose in the future, as in the past, to "see to it that the laws are faithfully executed," and in the accomplishment of that purpose I shall not inquire whether the individual entitled to protection is, or is not, a member of any labor organization. No one can appreciate more than I, not only the right and wisdom of laboring men to join together for the purpose of bettering their wages and working conditions, and no one can believe more heartily than I in a fair wage and reasonable hours.

It will be a matter of great regret to me if the laboring men of this state fail to see that I am fighting their battle, for I sincerely believe that organized labor has no more dangerous enemy than the Western Federation of Miners, which is seeking under the cloak of organized labor to protect itself alike in the promulgation of its dishonest socialistic theories, which recognize no right to private property, and

from the result of its anarchistic tenets and tendencies. Legitimate labor organizations of necessity suffer from the criminal aggressions of the federation.

POLICY NOT TOO VIGOROUS.

Its claim to the character of a labor organization is its only title to respectability. I believe that no greater good can be conferred upon the cause of union labor striving to better the condition of its members than for the members of such legitimate labor unions to condemn the methods of the federation.

Those who are charged with the duty of seeing that the lives and property of citizens are respected have difficult and perplexing problems to solve in times of insurrection and great public stress.

I have had to deal with an organization which has no counterpart in this country. Its official proclamations, full of defiance and challenge, issued from time to time, have amounted, as has been said, to "a declaration of war against the state."

I have met the challenge with a policy none too vigorous for the outlawry I was called to oppose. But through it all I have had but one object and that was to show the people of Colorado that the laws will be upheld—that a criminal organization cannot dictate the policy of this administration, and that everywhere within the borders of Colorado property shall be secure and labor shall be free.

JAMES H. PEABODY, Governor.

EVERY WORKMAN SHOULD HAVE OPPORTUNITY TO WIN ON HIS MERITS.

We commend to the careful consideration of employers and employes the articles in this issue on "A Progressive Step in Unionism" and "Labor's Interest in Law and Order."

Again we seek to impress upon the minds of both divisions of the army of industry, officers and men, employers and employes, that the true function of trades unions is to seek preference in employment for their members on the basis of superior merits of service rendered instead of the basis of unreasoning force. In public and private employment every workman should have opportunity to win position and promotion upon the merit of his service record, regardless of all other considerations. When this is the established order in every department of human activity progress and prosperity will be given an impetus in comparison with which all past records will appear of small importance.

We congratulate the members of the Typographical Union upon the step of progress it has taken in abolishing a rule which made priority of service instead of merit the basis of promotion. We congratulate the people of this country upon this evidence that trade unionism is becoming "sane and safe." In all selections for employment, for determining who shall be retained when a reduction in force must be made, who shall be promoted when vacancies in any of the higher classes are to be filled, there can be no sounder

rule than that of merit. When every vacancy in the rank of second lieutenant is filled by the promotion of the non-commissioned officer having the best record among the non-commissioned officers of the regiment there will be an upward lift in the qualifications of non-commissioned officers and lieutenants that can be induced in no other way, and life in a regiment in which this rule is impartially enforced will be wonderfully improved for both officers and men. Beyond this the rule will spell efficiency through the entire list of grades, from lowest to highest.

Men who win on their merit and who are encouraged by the rules of their associations to win all they can will be honest, energetic, intelligent. They will be least likely of all men to subject employers and employes to the disasters of an unnecessary strike. The fact is, when the counsels of such men prevail in trade unions they will never find a good time to strike. They will induce fair treatment by being fair. They will use their abilities in reducing the wastes of friction. In this direction prosperity and progress lie.

The policy of rewarding merit by continuous employment, preference in employment and promotion will exert a wider influence than the welfare of the persons immediately concerned. Such a policy gives to every workman a vital interest in the correct and impartial administration of all rules by which merit is to be determined. Through this workmen will learn that their worst enemy is the man who is guilty of attempting to evade or disobey these rules. Obedience to law is the only way in which liberty

can be safeguarded. This lesson so learned will be of inestimable value to the whole of society. Such a lesson is necessary to the creation of a clear-cut public opinion that will secure the enforcement of all laws, the establishment and maintenance of order.

A PROGRESSIVE STEP IN UNIONISM.

EDITORIAL: OHIO STATE JOURNAL.

The action of the International Typographical Union convention at St. Louis in abolishing what has been known as the priority rule is a distinct advance in trade unionism.

The Typographical Union is one of the oldest, strongest and most ably conducted of American labor organizations, with more than 50,000 members. For years it has had an ironclad law which required the foreman of a union office, in case of a vacancy on the regular force, to fill it with the man who had been longest on the substitute list. Priority in the waiting list and not efficiency was thus made a standard for employment.

This rule frequently worked a hardship to employers and foremen, and also discriminated against the quality of a man's work. It was not material whether a new substitute was a superior workman or not, he could not be given a regular place over the head of an inferior workman who had been on the substitute list for a longer time. The rule was not always observed, but the principle was there.

The abrogation of this rule is a distinct recognition of the American principle which grants that the best man ought to win. It is an acknowledgment of the importance of quality in workmanship that is one of the broadest and strongest steps any American union has taken in recent years. One of the objections which has most frequently been urged against union labor is that it undertook to place all its members on a dead level where there was no inducement to rise above mediocrity. The first-class workman received the same wage as his poorer fellow. The tendency of this was to remove some of the stimulus to the highest endeavor, and by that much to reduce the average standard of the craft.

The repeal of the priority law by the Typographical Union opens the way to a fuller recognition of ability. It assures the superior workman more steady employment and recognizes the principle that a man should win on his merits. In this respect, it is a notable departure from what has been a fixed rule in most union organizations and one which places the International Typographical Union in the vanguard of progress.

It is a reasonable, sensible change which will tend to promote a higher standard of workmanship and will win for the I. T. U. new friends among all fair-minded men.

LABOR'S INTEREST IN LAW AND ORDER.

EDITORIAL: CHICAGO CHRONICLE.

Whenever the constituted authorities interfere with strike rioting and slugging the labor unionists invariably assume that the interference is due to sympathy with the employers. They denounce the police and the military, whenever lawlessness comes to such a pass that it becomes necessary to call the latter into service, as the hired minions of capital.

When they do this the unionists further assume that they have a right to organize mobs and "educational committees" to destroy property and slug and kill in order to gain their ends whenever they go out on strike. They assume that the authorities in dispersing their mobs and arresting their sluggers are assailing their inalienable rights at the behest of capital.

It can hardly be said in defense of the unionists that they do not know better. To suppose they really believe they, as organized laborers, have a right to do things which are criminal, when done by men not so organized, would be to insult their intelligence.

If they do not know that lawlessness is just as criminal in them as it is in the hoodlums and the habitual predatory parasites of society the law presumes that they know it.

They are not excusable on the score of ignorance if they disturb the public peace and commit crimes against persons and property or if they attempt to de-

stroy respect for the public authorities by representing them as partisans of capital, as opposed to labor.

It is the sworn duty of the authorities to preserve the peace, to disperse mobs, to arrest criminals, to protect the people against the violence of lawless men, whether they are members of labor unions or of holdup unions.

In doing this they are not the servants of capital. They are the servants of society, of rich and poor, of capitalist and laborer, of employer and employed alike. It is their duty to protect the public whenever to their knowledge the public is assailed, whether called upon by anybody to do so or not.

Organized laborers undoubtedly know all this very well, but there is one thing of which they seem to be strangely ignorant, and that is that no members of society are more deeply interested than they are in the maintenance of high respect for law and for all who are duly appointed to administer and enforce the law.

They have rights, in the exercise and enjoyment of which they are protected by the law and its ministers. If these were overthrown they would soon find themselves in a sorry plight. They would find themselves under the mailed hand and the iron heel, as were their kind in the days of the robber barons of Europe, as are the workers of Russia and Turkey to-day.

Organized laborers will do well to think of these things and realize that if they should succeed for a moment in nullifying the laws and paralyzing the arm

of lawful authority they would soon fall back to a condition from which they have slowly emerged in the course of many generations into an atmosphere of liberty and of comparative independence, comfort and even luxury. They will do well to think of the risks they incur when they lift their hands to strike down the muniments which have been won and built by them and for them at untold cost and sacrifice.

INDUSTRIAL WASTES OF LABOR WARS.

Probably in no similar period has as great an advance been made in the utilization of by-products and the saving of industrial wastes as during the past fifty years. To this end untiring efforts of inventors, masters of organization and executive administration, backed by ample capital, have been continuously devoted. Every gain has opened a new source of profit and has been the means of supplying to consumers commodities of improved quality at reduced prices. Many useful and valuable commodities are now important factors in the exchanges of commerce which are wholly produced from materials that were treated as waste, having no value, fifty years ago. If a complete record of all gains made in this direction were submitted its revelations would be astounding. This fact makes still more astounding the enormous industrial waste to which the people of this and other countries have submitted, and are submitting, caused by labor wars. If a complete record of all losses caused by labor wars were submitted it is not improbable that

it would then be clearly seen that the wastes of labor wars have neutralized the gains made in perfecting the processes of production and transportation. A single instance will serve to illustrate this point.

It is reported that the recent butchers' strike caused a loss to the packers of \$7,500,000 and that the loss in wages amounted to \$5,000,000, a total wastage of \$12,500,000, caused by one strike within the short period of sixty days. The splendid organization, the unequaled facilities, the ample capital and the energy, skill and executive ability commanded by the packers, and directed to the utilization and saving of wastes, have not been able to effect a gain equal to this loss during a much longer period of operation. Experiences such as this show the imperative necessity of directing effort to overcoming the wastes caused by friction between the working parts of industrial organization, capital and labor. No gain that is now possible can equal in importance and value that which will be realized by overcoming the industrial wastes of labor wars.

MUTUAL LOYALTY.

Loyalty to fair employers should be rewarded by loyalty to fair employes.

Mr. George Welsh Weber discusses the above proposition in this issue.

The elimination of friction from the machinery of production has demanded the services of unknown numbers of the most skillful mechanics, designers and

engineers who have engaged in the development of industries of every kind. Every gain made has brought rich rewards to the successful worker.

In the past effort to remove friction has been concentrated almost wholly upon mechanical friction, to what purpose the increased efficiency of all kinds of machinery attests. Every employer and workman knows that such results are not achieved without study, work, expense and experimentation. And they know that, while there are numerous examples of failures, there are more successes, and as a general result the productiveness of industries has been increased enormously by efforts to remove mechanical friction.

In the lesson taught by this experience there is shown what must be done to remove friction between the human parts of the machinery of production. Here is opportunity for the full exercise of the best hearts and brains employed in doing any part of the work of production or distribution. The rewards of success can only be estimated by calculating the wastes and losses that are continually being caused by friction between human parts. There is reason to believe that the same amount of study, work, expense and experimentation that has been devoted to the problems of the removal of mechanical friction, when devoted to the problems of the removal of human friction, will be rewarded with an equal or a greater success.

Fundamental to success in this field of effort is faith in each other's fairness, justified by experience, on the part of employers and employees. Each estab-

lishment is an organized unit, the welfare of which is dependent upon the skill, ability and continuous energy of all having a part in its operation. Success must be achieved in competition with all other establishments similarly employed. In this competition, careful, skillful, energetic, loyal workmen are as essential as the best up-to-date machinery. In fact, they are more essential. It is manifestly to the interest of the employer to draw to himself and to develop a body of employees possessing these qualifications in a notably high degree. How can he expect to do this if he fails to establish a reputation for being fair, for being loyal to the men who are loyal to him?

The competitor who can produce a commodity at lowest cost is the one who secures the best profit. What one may gain by imposing hard unsanitary conditions upon his employees, or by the lowest wages for which he can get men to work, must be made up to another who studies to make the conditions of employment less exacting, more healthful, and willingly pays the highest wages, by the superior productiveness of his employees. If this is not done the unfair employer will force the fair employer to the wall.

Conditions and wages of employment are not inexorable. Cost of production is. Certainty of profit will induce any employer to agree to any conditions and wages that may be demanded. Employees must make their employment profitable for their employer or they cannot reasonably expect it to continue. Friction always impairs and sometimes destroys profit. Employers and employees should unite in efforts to re-

move friction between the human parts of the machinery of industries.

EMPLOYER AND EMPLOYEE AN INDUSTRIAL UNIT.

BY GEORGE WELSH WEBER, PUBLISHER WEBER'S
WEEKLY, CHICAGO.

JOINT INTEREST IN PROFITS.

At the very root of labor troubles is the error that there is a necessary and irrepressible conflict between employer and employee. Where such a condition of hostility exists it is because one or the other, and perhaps both, are unfair to each other. In the original state of industry there was no conflict between employer and employee—capital and labor. The employer, capitalist and employee and laborer were all one and the same person. The shoemaker of old times was all four combined in one. Under such conditions there was no tendency for disagreements between the different "interests" of the industry. It ought, as near as possible, to be the same with the modernized industry. The industry should be, as nearly as possible, a unit. The economic relationship between employer and employee is that of partners having a joint interest, not in the ownership, but in the profits, of the industry. While this relationship has little or no legal status, it has a status that is much higher than legislation could give it. It is governed by the law of necessity. Capital must have labor and labor must have capital. It is an enforced partnership.

NO DETERMINATIVE RULE FOR DIVIDING PROFITS.

One of the misfortunes of this natural partnership is that there is no rule determinative of how the profits shall be divided between capital and labor. At first glance it would seem as though some ratio ought to be fixed so that a workman might share pro rata with the employer and the employer's capital in the profit arising from their joint efforts. But a more thoughtful consideration will convince that such a plan would be extremely difficult, if not wholly impracticable. One of the difficulties would be the fact that capital must accumulate in prosperous times in order to withstand depressions of trade. Capital must take chances. Labor cannot take chances. Labor is not inclined to save when wages are high and work is plenty. If capital made the same division with labor in prosperous times that it is willing to make in dull times both capital and labor would be bankrupt in times of business depression.

UNITY OF ACTION NECESSARY FOR GREATEST PRODUCTIVE CAPACITY.

In order to bring about the greatest productive capacity in an industry there must be unity of action among all the integral parts of the factory. But I must limit my discussion to the relations between the employer and the workman. The workman should endeavor to give his energies to creating the greatest possible product. The employer should endeavor to give the workman the best possible conditions under which to labor, with the largest share of the joint profit which will be safe for the interest of both to

take out of the permanent resources of the business.

This view of the matter is strengthened when it is reflected that each manufactory is an industrial unit and has in competition with it other industrial units in the same line of industry, manufacturing the same industrial product. As one goes up the others go down. It is to the interest of the workmen that all the different concerns be kept abreast. At least it is the height of unwisdom for the employes of one factory to impede and retard their own industry by interferences or demands which in the end will compel abandonment of the industry.

Another phase of the matter is that enhancing the cost of a manufactured article simply reduces the amount consumed, and this in turn reduces the number of employes required to supply what the diminished market requires.

A FUNDAMENTAL ERROR IN TRADE UNIONISM.

The employer and workmen of one factory constitute an industrial family and should settle their own quarrels, if they have any, without calling in other industrial families to tell them what they should do to one another. The effort of the employer and employe in a factory should be to be fair to one another. "Loyalty to fair employers should be rewarded by loyalty to fair employes." This is the second plank in Public Policy's "platform on labor problems." Such a policy would mean that the employer, acting in good faith, would endeavor to give his employe a fair share of the joint profit. At the same time he should reward the faithful or superior workman as nearly as possible

in proportion to his merits. The workman should reciprocate by increased diligence and faithfulness. I am inclined to think that the fundamental error of trades unionism is the effort of the trades unionists to put and keep all workmen on the same level. The proposition advanced and fought for by trades unions that a workman shall not be discharged unless the union approves of the discharge, is contrary to good business policy, uneconomic and unscientific. Such requirements are not established by the unionists to advance the cause of the wage-worker as a class, but rather to take care of the worthless workman by legislating him into equality with his proficient brother workmen.

The proposition that the employer shall reward the superior and extra faithful workman carries with it the corollary that the unfaithful and incompetent workman shall be discharged. As most unions are organized at this time the employer is not permitted to do anything of the sort. Therefore, it seems to me that in order for an employer to be fair to his workmen as individuals it is to a great extent necessary that the union abandon the position it has assumed on this point.

THE ROUTE TO TRADE PROSPERITY.

Sound business management requires that preference be given in employment and promotion to good character, good work and length of service.

Mr. George Welsh Weber discusses this proposi-

tion in this issue under the title of "Preference for Superior Workmen."

We worship competition as the force that gives life to business. We know, however, that the law of competition, whether fairly or unfairly applied, invariably tends to create monopoly. Like death, its complete success would be its irretrievable defeat. It would be the final destruction of that upon which it feeds.

Competition always forces three contingencies upon an employer :

1. To convert his property into money and live in peace upon the principal, and the interest it may earn, for the remainder of his days, retiring from the fight.

2. To move his business to a locality where conditions are more favorable to his success.

3. To attempt to win success by discharging employes and employing persons who will reduce labor cost by working for less wages or longer hours, or enforcing such terms upon those already employed.

This statement of the alternatives forced by competition upon every employer spells death for him and death for his employes unless, by their combined effort, the terms enforced by competition can be successfully met. The closing of the business destroys opportunity for employment. The moving of the business to another locality has the same result, excepting for the few employes who may be able to follow it to the new location. The lowering of wages and lengthening of hours means a lower standard of living for wage-earners. Employers cannot permanently enjoy

prosperity under conditions that do not bring prosperity to their employees.

In a recent address before the New England Cotton Manufacturers' Association, President Walmsley said:

"Employers must realize the absolute necessity of harmonious co-operation and combination between the employer and employe. The route to trade prosperity lies through mutual understanding. Strikes and lock-outs are a clumsy and outrageous remedy. All must admit the desirability of conciliation to take the place of the violent methods of the past. With a reasonable security against strikers and lockouts, the maintenance of the markets will be protected and additional capital will be attracted to the industry which gives this added security to investments. Let us, without reserve, concede to labor its legitimate and indisputable claim as an important factor in the situation. It is incumbent upon each to respect the rights of the other. I desire, however, to emphasize in the most unqualified manner possible that, in so far as the management and direction of our industrial corporations are concerned, the managers alone at all times must manage and direct."

Commenting upon Mr. Walmsley's address, the editor of the Wall Street Journal says:

"Such fair and reasonable language from a representative of great employing interests is most timely and refreshing. More talk of this kind on the part of industrial capital would, if backed by corresponding action, render less frequent violent and disturbing conduct on the part of organized labor. Mr. Walms-

ley recognizes the rights of the men employed in the cotton mills of New England, and dismisses at once any remedy for the situation created by southern competition that involves the unreasonable reduction of wages to the southern level. He thus recognizes the rights which the workmen employed in the cotton mills of New England have in the permanence and prosperity of the industry which their labor has in no small part created. He would not abandon them, but seeks a solution for the present problem, which involves a consideration of mutual rights of both New England capital and New England labor. At the same time he lays stress upon the manifest right of the employer to freedom of management, not subject to dictation by trade unions. All this is reasonable and just; it would seem as if no fair-minded member of the labor organizations could resist its plain logic. Such talk as this will do more toward settling the labor problem than all the strikes and lockouts together."

Management, unhampered by dictation, is an indispensable condition for success. Efficient operation cannot be divorced from free, fair and intelligent management. Such management includes the welfare of employes as well as of employers or owners. Against such management no intelligent workingman or intelligently managed trade union will protest. It is unfair and unintelligent management that merits condemnation. That such management is too frequently the cause of labor troubles is clearly indicated by Mr. Weber when he says: "It is unfortunately a fact that too often the employer is an accident and

has no training for his position other than that which he acquired in the shop he controls."

The forces that work for righteousness decree that the route to trade prosperity shall be opened and traveled by sound business management that gives preference in employment and promotion to good character, good work and length of service.

"Managers alone at all times must manage and direct." But they must obey the law of righteousness or themselves and others must suffer for their sins. Man, to be free, must be as free to do wrong as to do right, but when he chooses to do wrong the day of his calamity comes. Frictionless co-operation between all parts of industrial units, mechanical and human, is indispensable to highest efficiency, to the true welfare of employers and employes, prosperity and happiness for both.

PREFERENCE FOR SUPERIOR WORKMEN.

BY GEORGE WELSH WEBER, PUBLISHER WEBER'S
WEEKLY, CHICAGO.

THE LABORER IS WORTHY OF HIS HIRE.

The laborer is worthy of his hire. This is biblical—axiomatic. It is construed, as might be expected, against the employer, as if, having employed the laborer, the employer was about to dispute his obligation to pay him. But there is another aspect of the proposition that "the laborer is worthy of his hire." And that is that the laborer ought to be worthy of

what he is to be paid. Going still further, the proposition may properly be construed to be that the laborer ought to be paid according to the amount and merit of his labor.

"Sound business management requires that preference be given in employment and promotion to good character, good work and length of service."

The foregoing is the third proposition in Public Policy's labor platform.

**THERE CAN BE NO CONTINUOUS GOOD WORK WITHOUT
GOOD CHARACTER.**

The character and cost of the product of a factory determines the salability of a product. The merits of these two elements are largely dependent on the individual effort of the workmen in the factory. Therefore, it is not only "sound business policy," but imperatively essential to success, to retain only those workmen who are satisfactory. And the workmen ought to have a good record outside the factory as well as inside. I am aware that "broad-minded" persons—too broad-minded—contend that the employers should have nothing to do with the morals of workmen, provided they do their work well. This is not a safe view. A workman who does not lead a correct life outside the factory cannot be relied on as a man in any capacity. He cannot do more than temporarily subordinate his natural propensities while he is in the factory. Suppose the workman be an engineer and drinks while he is away from the shop, or suppose he handles large machinery, hoists, derricks, and that sort of thing. On the steadiness of his nervous

system depends all of his work, and the time must come when the man who persists in misusing his physical forces will find that they do not serve him as they should. Debauchees lose their memory and ambition. In addition to all this the employer sees no good in paying a man increased wages if it merely adds to his dissipation, his days off, and hastens the time of his inevitable breakdown. It is impossible to conceive of continuous good work without good character and proper living. The good workman's heart is in his work; his work is his ideal. Perfection in his work is to him a controlling purpose. The debauchee regards his work as a means—not an end—to provide him money whereby to gratify other propensities. The dissipated man per se is not of sound mind, for obvious reasons; he is aware that his dissipations are hurtful and might bring about his ruin, but he persists in them; or, it must be that his intellectual perceptions are so blunted that he does not understand the effect on him of his bad morals. It is not harmful to the wage-worker as a class to require good character as a condition precedent to employment. Such a policy by employers would mean the uplifting of all workmen by establishing a system of rewards for the good and punishment for the bad. Society is organized on that principle. The world, with its entire fauna and flora, is presumed to be a survival of the fittest. Any rule in the factory, or out of it, that puts the unfit on a level with the fit, seeking to counteract the universal law of nature, must inevitably bring about confusion, if not disaster.

SEGREGATION OF THE EFFICIENT FROM THE NON-EFFICIENT.

Employers have been, and are, derelict in failing to insist upon conditions with unions which will enable them to classify workmen according to their merits. But it is unfortunately a fact that too often the employer is an accident and has no training for his position other than that which he acquired in the same shop which he controls. But even with employers who are model in every respect the unions lay down rules which are especially designed to defeat the merit system among workmen. This is because the non-meritorious element controls the unions and manipulates the organization so as to take care of the inefficient workmen. The efficient workmen, not needing aid of this sort, do not interfere. My own idea of a system in this regard would be for employers to establish a rating for men who work for them and pay them accordingly. Such men should have cards issued to them certifying as to their status in the factory and, when leaving, should have their cards endorsed in a manner to show the cause of their departure from the factory. If a coherent system of this sort could be established in all the factories of a given industry, there would soon be a distinctly divisional line established between workers which would be predicated on the merits of the men. I have had much experience with labor matters in different capacities and am not writing as an inspirational theorist. To me it seems that the segregation of the efficient from the non-efficient and mischievous workmen is a condition

which will do much, with the "open shop," to force the unions from a condition of antagonism and dictation into one of co-operation with the employer.

MERIT UNIONS

Merit unions should be promoted for the purpose of securing better conditions and fair wages by reason of the merit of services rendered, instead of by fear of injuries possible to be inflicted by strikes and boycotts. Shops closed to non-union men by reason of preference for members of merit unions will be closed without violating any moral, economic or statute law.

No person can afford to remain ignorant of the methods and purposes of trades unions, least of all the self-respecting wage-earner. To him, more than to anyone else, skill to do good work, strength to perform a maximum amount of work, intelligence and good character, entitling him to the confidence and respect of his associates and employers, tending to win for him advancement, are the vital essentials for success. The secret soul desire of every person, in whatever position he may be, should be for intelligence to know his duty, and for the disposition and ability to do his duty.

THE DUTY OF LIFE.

The duty of life for every person is: *To make of himself the best of which he is capable.*

In so far as any man or woman fails in the full performance of this duty they are by so much smaller,

less capable, less good, less prosperous, than they might be. For every relation of life, domestic, political, religious, social, industrial, commercial and financial, this statement of one's duty to himself is a perfect solvent. Any custom, habit, association that prevents one's proper growth is a direct injury to him, and for that reason should be avoided. On the contrary, every custom, habit, association, that is helpful to one's proper development is a direct benefit to him and should be diligently cultivated.

Customs, habits, associations, are good or bad as they tend to make clear and to enforce the requirements of justice to oneself, not by others, but by himself, or to obscure or evade such requirements.

ONLY THE BEST MEN SHOULD CONTROL

A person who, through failing in self-government, fails to make of himself the best of which he is capable cannot, with reason, be expected to be the best man to govern others in any capacity. Such men should not be placed in responsible positions in religious, social, political or industrial government. In every relation to life the progress of humanity toward the realization of a more perfect life is seriously retarded by government by the unfit. When the best men fail to do their full duty, unfit men fill responsible positions and corruption and inefficiency are the result.

This is the cause of the failure of popular government whenever it shows imperfections. The best men do not interest themselves sufficiently in politics. This gives unfit men opportunity to make a business of politics.

This is the cause of the disaster met with by many corporations. Stockholders do not attend meetings or take sufficient interest in the politics of corporate management. This gives unfit men opportunity to adopt and carry out unsound policies, and disaster follows.

Commenting upon the general lack of interest in stockholders' meetings, the editor of the Wall Street Journal says:

"As long as these meetings are 'purely formal' there is no hope for greater betterment in corporation affairs. You can bring a horse to water, but you cannot make him drink. You can devise a scheme of laws the most ingenious in character, which will provide for the proper transmission of authority from its original source, but what are you to do if those in whom the original authority is vested decline to exercise it with intelligence?"

This is the cause of the unwise leadership which has caused trade union members so much unnecessary suffering and enormous losses. The best men do not attend the union meetings and take earnest interest in trades union politics. This gives unfit men opportunity to adopt and carry out unwise methods, which have been the cause of bringing so much disgrace to the cause of trades unionism. But two instances need be cited of the triumph of the incapable in trades union leadership:

1. When through the inactivity of the best men Terence V. Powderly was deposed and John R.

Sovereign was elected grand master workman of the Knights of Labor.

2. The more recent instance when Mr. Henry White was expelled from the Garment Workers' Union.

Commenting upon this deplorable conduct of the garment workers the editor of the Wall Street Journal says:

"Union labor does not lack material for the wisest of leadership. Its ranks are full of intelligent and honest men who have every desire to treat others fairly, and who are mentally equipped to lead their unions into paths of reason and conservatism. It is seldom, however, that men of this kind are chosen as leaders, and if they are chosen there usually comes a time when they are treated as Mr. Henry White has been treated.

"If union labor is to continue a helpful factor in the economic and industrial life of this country, it will have to choose its leaders wisely. The great body of steady, responsible artisans will have to get into union politics and rescue the organization from the unwise and the dishonest. Union politics are the same as other politics. The same principles govern."

THE BEST MEN SHOULD BE ENCOURAGED TO ORGANIZE
MERIT UNIONS.

Experience teaches that it is absolutely necessary for the best men among every class of wage-earners to organize merit unions for their class and thus put themselves in direct competition with unions of the incapable. There can be no intelligent question re-

garding the outcome of such a competition. In a true merit union every influence and rule will tend to aid every member in the proper performance of his duty to himself, the duty of making of and for himself the best of which he is capable. Employers can do themselves no better service than to aid the organization of merit unions to the fullest possible extent among their employes.

ENFORCEMENT OF LAW THE FIRST REQUIREMENT.

BY GEORGE WELSH WEBER, PUBLISHER WEBER'S
WEEKLY, CHICAGO.

No matter what reforms are undertaken by trades unions in their organizations, no matter what improved methods employers may inaugurate in the manner of conducting their business in relation to their employes, the whole labor question finally must depend on the enforcement of the laws.

Two principal questions arise: What are the laws? and, Whose duty is to enforce them?

EMPLOYERS' PROPERTY RIGHTS.

First, there are the property rights. The employer has the right to use his property in any lawful manner and has the right to demand and expect protection in such use. If his property is destroyed, by reason of failure on the part of the authorities to protect it, he can recover damages for the value of

the property destroyed. Or, he can secure an injunction forbidding interference by strikers with his property rights. Included in "property rights" is the right of contracting with others and having them perform their part of the contract, as in the case of employing non-union workmen.

EMPLOYES' PROPERTY RIGHTS.

The workman, also, has property rights. Membership in a union does not increase nor modify these rights. The courts hold that the right to work is the right to contract and that, therefore, the labor of the workman is property, and that all the laws which are invoked to protect tangible property may be invoked to protect the workman in the exercise of his labor property rights. To secure protection in these rights it is necessary to apply to the courts. Generally they are not matters which public officials take cognizance of without formal complaint.

ONE LAW FOR UNION AND NON-UNION MEN.

Then, there are the criminal laws against acts of disorder. Offenses under this head are against the public, and public officials are presumed to detect, arrest and punish such offenders. I will not undertake to enumerate the laws and offenses which are against the public peace. It is enough to say that any act of assault on the person or property of another, when committed by a unionist, is subject to the same punishment that the same act would invite if the offender were not a trades unionist. It is the error of trades union strikers to assume that the union

gives them rights which the non-union man does not possess. As a matter of fact, the co-operation of union leaders to boycott or injure others or the property of others lays the participants liable to the charge of conspiracy, which a single individual doing the same act would not be chargeable with. In addition, the acts of a number of persons may be an offense against the law if the persons act in conspiracy. For example, it would be unlawful conspiracy for, say, a hundred men, to agree among themselves that they would stand in front of a certain factory and obstruct the street. But if the same men stood at the same place in exactly the same manner, without an understanding, it would not be conspiracy, and no punishment could be inflicted upon them, unless they were disorderly, and then the punishment would have to be imposed on each individual, as an individual, the same as if no other person had been at the place. I am stating this case broadly. I am aware that there are many phases to conspiracy and that in some cases the mere co-operation and simultaneous action of a crowd enables the courts to deal with them as conspirators. Mobs, and persons congregating in mobs, may be punished. However, I am merely endeavoring to point out that unions do not give the right to do things which the individual workman does not have the right to do. For example, a man has no right to persistently wait for and talk to another as he leaves his place of business. A book agent who would wait for and harass a workman to buy a book, even if the book were a good one and one the work-

man ought to have, could be punished for disorderly conduct at least. No more has a striker the right to pester a non-union workman about joining the union, or on any other matter.

POLICE DUTY TO ENFORCE LAW.

The next question is: Whose duty is it to enforce the laws? It is the duty of the police in the cities where most strike disorders occur to patrol the streets and discover offenders and arrest them. They are not expected to enter upon private grounds and endeavor to maintain order unless they have reason to believe that a crime is being committed. But I will not go into this phase of the subject, because of its complexity.

DUTY OF PUBLIC OFFICERS TO ENFORCE THE LAW.

The sixth plank of Public Policy's labor platform is as follows:

"The prompt, impartial and complete enforcement of all laws for the protection of the right of every person to dispose of his power to labor and to operate his business in the way approved by his own judgment, subject only to the police powers of the state, is imperatively necessary for the promotion of the general welfare."

This amounts to saying that the police shall apply the same rules in dealing with strike law breakers that they are presumed to apply to common criminals. It also amounts to saying that, for example, the assault of a strike picket on a non-union driver, who is driving a load of meat, or other article, is exactly

the same as the act of a common hold-up man, or highwayman. The police now do nothing of the sort. They do not even attempt to arrest men who commit all the acts of highwaymen when such acts are in behalf of a strike. The police act on the theory that it is their duty to keep the peace merely, and that the relation of a mob of strikers trying to stop a non-union driver is the same as in the case of two colliding crowds on State street having rights to the streets. This attitude of neutrality of the police is most reprehensible, because it leads strikers to suppose that they are within their rights. But the police are not wholly to blame. The mayor, who is directly over them, is really responsible for the course which they pursue. The mayor is morally responsible for any long-continued condition of disorder, such as prevailed during the packing house strike. He cannot justly set up the plea that his police force was inadequate to preserve order. The law peremptorily makes it his duty to call on the governor when he finds that he cannot preserve order, and it is the duty of the governor, under such circumstances, to call out the militia and have it co-operate with the mayor in the preservation of order. The Illinois law provides that, in addition to the mayor, the county judge, the sheriff or the coroner may call on the governor for the militia, and that it shall be sent. Under such circumstances the mayor may be wholly ignored. Or the governor may, on his own motion, without being called on by anyone, send the militia to any place in the state, to enforce the laws and preserve order.

LAW-BREAKING STRIKERS SHOULD BE INDICTED.

My belief is that the arrest and prosecution of strike offenders is the best way to stop the strike evil. The co-operation of grand juries and states' attorneys is necessary to fully accomplish this. I am aware that when strike law breakers are rightfully indicted they resort to all sorts of illegal methods to avoid conviction and often they escape. But this is a punishment of itself. Therefore, the complaint of the states' attorneys that you "cannot convict" should not cut any figure. States' attorneys are generally paid by the number of convictions they secure and are reluctant to undertake cases in which there is a prospect that they may not accomplish easy convictions. Besides, states' attorneys, like other officials, are disposed to cater to the "labor vote."

The common error in the enforcement of the laws in strike disputes is that the issue is between the strikers and their employers. This is not generally the fact. But, even if it happen to be so as to the main contention of the strikers, the minute the strikers begin to violate property rights and engage in acts of disorder, then the strike is against the general public, and the harm which is done is against society, and not confined to the non-union workman or his employer. The advantages of a free state are shamefully mitigated by a failure to enforce all the laws on all alike.

PEACEABLE SETTLEMENTS OF STRIKERS' DEMANDS.

BY GEORGE WELSH WEBER, PUBLISHER WEBER'S WEEKLY,
CHICAGO.

Every strike is a demonstration of the need for a method of settlement of contentions between workmen and their employers which will be sane and peaceable. Every loss through a strike discloses the economic necessity for a reasonable method of strike settlement.

IMPRACTICABLE FEATURES OF ARBITRATION.

The general idea of arbitration has seen its best days. Compulsory arbitration was never practicable. For the most part arbitration is compromise and amounts to "splitting the difference" that exists between the contending forces in the dispute. It amounts to proposing that the man who is right must give up some part of his rights in order to appease the man who is wrong. Suppose a man proposes to put non-union men in his factory. The unionists object. The advocates of arbitration say, let us arbitrate! Arbitrate what? Why, the right of the employer to use his property in his own way in a lawful manner; to throw into the scale of arbitration the right of contract, which is one of the express constitutional rights of the individual, against nothing. Arbitration, in such a case, would mean that the employer would probably have to accept a modification of his constitutional right of

contract—a reduction of his privilege to use his property in any lawful manner.

COMPULSORY ARBITRATION ABSURD.

Compulsory arbitration is an absurdity. The proposition amounts to saying that the courts and court decisions establishing property rights should be torn down and a new system of determining rights established—a system in which rights shall be set aside for momentary expediency, and set aside in proportion to the unreasonableness and strenuousness of the demand of persons who are not willing to surrender anything, whose contract is worthless, and who could not be forced to comply with the result of the arbitration which might be held and to which they might be a party.

DISPUTES MAY BE SETTLED BY COURTS OF RECORD.

What I have said relates to arbitration in which one or the other party is forced, against his will, by public sentiment, newspaper intimidation, or otherwise. There is no objection to two parties to a labor quarrel submitting a question on which they disagree to a third party. My own belief is that laws might be enacted which would enable the taking of such cases to judges of courts of record and requiring that judges should hear them instantler, if necessary. The hearing of all cases of this sort should be subject to the same rules of court procedure as prevail in ordinary cases. The advantage of such a method would be that a court could, to some extent, enforce a decree which it might find in such a case. At the same time it could refuse

to hear a case in which the sacrifice of constitutional rights might be proposed. For example, a court could throw out a proposition to decide upon a question as to whether or not a concern should operate a "closed shop," because such a requirement would be contrary to the rights of third parties—workmen who do not belong to trades unions.

There is a principle of law in this connection which it is worth while to consider: Suppose two men are contending about the ownership of a piece of personal property and disturbing the general public. They can be brought into court and the right to the property determined. There is also a practice in law whereby the rate of wages may be determined. Suppose for example that the striking workmen at the stock yards had worked, but had not had a rate of pay agreed on between them and their employers; suppose, further, that the end of the year came around and the workmen demanded a final settlement on a certain basis. The employers would not agree to the rate demanded and the workmen sue. In such a case the court would undertake to determine what would be a reasonable rate of pay for the workmen. If the same rule were to be made to apply in advance in relation to a wage rate it might operate in some degree to settle rates in advance. But, at the very best, it would encounter many difficulties, for no court could compel the running of a factory or the employment of any set of men by an employer, even if the rate of wages which those particular men ought to be paid were fully and intelligently determined.

LABOR DISPUTES OUGHT TO BE SETTLED AT HOME.

So that, when all is said and done, the whole question of wage disputes settles back to an intelligent dealing with it by the employer and employee. They are the persons who, above all others, are concerned in having a fair adjustment of the questions at issue. Here is what Public Policy's Platform on Labor Problems says on this point:

"7. Peaceable settlement of disputes between employers and employees through self-respecting conferences between the parties directly interested, either individually or through authorized and responsible representatives, and on a basis of mutual recognition of the lawful status of each, is essential to industrial stability and hence to the best welfare of the community."

Adjustments of trades disputes, like family quarrels, ought to be made at home. The self-respecting employer will, as a rule, yield something rather than go into a strike. The union that is well directed by competent leaders cannot afford to embark on a strike in which it is not unmistakably right. And it can better afford to concede doubtful points than to resort to a test of strength. It is unfortunate that many strikes are due rather to the offensive mannerisms of the negotiants than to the actual merits of the contentions.

NATIONAL SHOP REGULATIONS.

In this issue Mr. George Welsh Weber discusses the labor proposition, "A National Shop Regulation System Is Necessary." We believe there is much in this article that all intelligent and thoughtful employers and employes will find profitable reading. The questions raised in this article are the direct result of the improvements made during the past fifty years in the means for disseminating information and the exchange of commodities. Competition between producers of similar commodities, wherever they may be located throughout the Union, is now more direct and effective than it was fifty years ago between producers within the same state. This condition creates a necessity for uniform shop regulations throughout the entire field. The same cause, improved facilities for the exchange of information and commodities, is working for a world-wide application of shop regulations as a means of eliminating some of the factors of uncertainty from the problem of competition. Here is another indication that the development of industry is tending to cause men to deal with each other, not as members of a family, a state, a nation, nor even as members of a race, but rather as members of the world unit, the brotherhood of mankind which has for ages been the dream of poets, philosophers and prophets.

World peace conferences are seeking to place limitations upon the practice of war with a view to its final elimination from the affairs of governments, thus giving practical effect to the words of the poet who

wrote: "War is a game which, if their subjects were wise, kings would not play at." This dream of political peace will be made a realized fact by the insistent demands of international commerce. Here again the voice of humanity will be heard calling for world industrial conferences as a means of placing limitations upon immoral and cruel practices of greedy producers. Even in the suggestion of such a proposal there is evidence of a world-wide movement towards a better day for employers and employes.

But there is another lesson in this discussion. It is for employes. The evils sought to be eliminated from shop conditions exist because it is thought they aid to cheapen production. A demonstration that they do not cheapen production will be far more fatal to their existence than any legal enactment, however well it may be enforced. Here is where intelligent employes can give effective application to their self-interest and their patriotism. Their self-interest will be directly promoted by so doing their work under shop regulations designed to eliminate the evils of which they complain as to make it certain that their employer shall suffer no disadvantage by reason of them, in competition with his more greedy and less humane rivals. Loyalty to fair employers is not only the duty of employes, it is the means by which they can secure and enjoy the best attainable standard of living for themselves.

The patriotism of American employes can have no better practical application than in demonstrating to the world that the energy, intelligence and skill of

American workmen, operating machinery and working together under ideal shop regulations, have nothing to fear from the competition of those working under less humane conditions. Upon the conduct of workmen, far more than upon the enforcement of law, the adoption of humane shop conditions depends. When workmen show proper appreciation of the efforts made by their employers to make the conditions of employment safe, sanitary and moral, they will do far more than the law can do to secure the universal adoption of such conditions. To speed the establishment of the better conditions desired there must be cordial co-operation between employers, employes and the law. This will inaugurate and promote the upward movement which is so devoutly desired by all who wish the good of mankind.

A NATIONAL SHOP REGULATION SYSTEM IS NECESSARY.

BY GEORGE WELSH WEBER, PUBLISHER WEBER'S
WEEKLY, CHICAGO.

Public Policy's Platform on Labor Problems declares that: "Uniformity in state legislation regulating workshop conditions, hours of employment, etc., to the end that employment in no state shall be placed at a disadvantage in competition with employment in any other state, by reason of dissimilar standards and regulations, is fundamentally necessary for the promotion of national prosperity. This proposition must

also be given a world-wide application. In this age of steam and electricity international competitive conditions must be considered whenever industrial measures are proposed for enactment."

INEQUALITIES IN STATE REGULATION.

It is necessary, first, to understand existing conditions:

Under the present system each state has a different system of laws regulating workshops, child labor, hygienic conditions, and all that sort of thing. In the several states these laws are enforced with varying degrees of laxity or rigidity. One administration will make capital out of enforcing them; another will utilize the non-enforcement of them in all, or in at least some, respects to win the favor of some class or other. The effect is an uneven enforcement in each state.

STATE-AGAINST-STATE SYSTEM.

There is also a total lack of uniformity between the laws of the different states. The effect of this is that while an industry is compelled to contend with varying conditions in the state in which it is located, it is still more annoyed by the inharmonious conditions which it has to compete against in other states. It is manifest that the state which has the most "liberal" laws in its system of workshop regulation will enable its manufactories to produce at the lowest price cost. Therefore, every restriction that is placed upon industrial concerns, which tends to reduce product or increase unproductive investment, operates to increase cost and reduce the capability of the state to compete

with other states which have less rigid laws. Humanitarianism, as well as regard for the physical well-being of the individual citizenship of the country, demand that certain shop regulations be enforced. It is not worth while to discuss these regulations in this connection at this time. It is enough to say that they are undeniably needed, and the more intelligent they are, and the firmer their enforcement, the better for all the people. But, with the creation and enforcement of these regulations by state governments come difficulties. As I have shown, each state must compete with every other state. The result is that any state which takes a step forward in the direction of requiring proper shop regulations increases the difficulties of its manufacturers to compete with similar manufacturers located in states where the regulations are less drastic. The effect is that there is created an economic issue as between states—an issue which should never exist. It is possible that, at some times, dominant parties in some states endeavor to get the advantage of other states by modifying the severity of the shop regulation laws, so as to give its employers an advantage. At any rate, the ultimate effect of the present state-against-state system is to induce all the states to reduce their standard of shop regulation to the standard of that state which has the greatest disregard for the welfare of its working classes. There is thus a competition towards a lower standard of workshop regulation—a tendency toward a great less and less regard for the bodily welfare of the working classes. All this in time will tell, fatally, upon the

manhood and womanhood of the nation, and be without any advantage, except momentarily, to the employer who obtains profit from unrestrained shop conditions.

How to correct this downward tendency and induce a movement in the other direction is a grave problem. That the need is manifest nobody disputes. None but the most avaricious employer will object to wholesome regulations for purposes of hygiene and sanitation.

THE REMEDY NATIONAL REGULATION.

In seeking for cures for conditions such as I have alluded to it is necessary, first, to locate the cause. The cause of imperfect shop regulation is in the fact that regulation is under state control. This amounts to saying that there are at least two potential forces at work to defeat the proper regulation of shops; one of these is the necessity of the state, as a unit, not to put itself at too great a disadvantage with other states; the second is that a large industry in a state has proportionately greater influence in the administration of state affairs than it would have in national affairs. Consider the coal interests in relation to the state of Pennsylvania, or the meat-product interests in relation to Illinois. With nationalized control these industries would be much less able to control or influence shop regulation legislation in their own interests. This brings us to the proposition of federal control of shop regulations. But, before considering federal control of shops from the question of constitutionality and that sort of thing, I wish to ask one question:

What would the whisky manufacturing business be if the federal revenue laws were left to state governments and their agents, city governments, to enforce? The suggestion is simply startling. I have not, in this article, the space to discuss closely the many decisions which lean in the direction of affirming the right of the general government to take jurisdiction of such matters as shop regulations. Control is a matter of police power, and, broadly, the police power of the federal government in theory extends over and covers all those matters which are incident to and interfere with commerce between the several states. The fact that such authority has not been exercised by the federal government in the past is not significant. Fifty years ago the state itself did not assume police jurisdiction over one-tenth of what it now undisputedly controls. The correct theory of government is that the government has within its resources a remedy for any evil, which, although unknown at the creation of the government, in future presents itself. Thus, shop regulation was not required when the states were erected. Industry increased, and the state, to protect its citizens, undertook to control the workshop. Another changing of conditions broadened the character of the workshop regulation requirement and made it national. The state-against-state condition made an issue which is distinctively national, and it is not only fair, but necessary, to accept that the nationalizing of the workshop condition brings it within the purview of the federal government. I am aware that hairsplitting lawyers will find this and that decision

limiting the rights of the government and defining those of the states. But this is not a case for precedents. It is a case for precedent-making. The broadest lawyer is the lawyer who is ready to make new precedents out of the fundamental theories upon which the older precedents were established.

WHERE TO BEGIN.

In my opinion there is no other way to secure uniform shop regulations, such as are outlined in Public Policy's platform, than by national legislation. It would be beyond the wildest stretch of imagination to suppose that all the states could be got to enact the same law and enforce it with equal thoroughness. To bring about national control would not require that the entire jurisdiction be taken over at once. There are features of the shop regulation which might be taken up by the general government first. Among these is the employment of growing children, especially females, at manual labor. These are abuses which are carried on in relation to such employment and are of such broadly national character that the justification of national interference is manifest.

THE RIGHTS OF CHILDREN.

The subject of Mr. Weber's article in this issue is fundamental to the welfare of the human race, to the success of democratic government, to the prevention of the overpopulation of hell. Race suicide is not caused by a restriction of numbers, but by dwarfed intellects, imperfectly developed bodies, defective

characters. The perfection of the individual is the supreme purpose of life.

The people have more to learn on the subject of education than any other. And their first lesson must be how to discriminate between the necessary and the useless. The chief end of the education of a child should be to teach him how to study, to form in him a correct conception of the value of knowing how to do useful things, and a pride in doing them well, and, above all, to cause him to understand that the years of school life can open to him only the first chapter of the book of life; that he is of necessity always at school and the welfare of his life in its entirety is dependent upon what he learns and the use he makes of his knowledge. That educator is most successful who succeeds in teaching a child how to study, how to think, and arouses in him a desire to study. When a child has been given this start he will be sure to find the lines of study best suited to his natural mental capacity, and to pursue his studies through all his life. The satisfaction of acquiring information will become to him as great as the satisfaction of acquiring wealth. He will be among those who live balanced lives, who do not permit money-making to absorb all their time and energies, to the exclusion of the acquiring of those accomplishments that tend to the perfection of human life. While a child is immature, has not reached the age of discretion, it is his right to be properly governed, properly directed, properly taught. "As the twig is bent, so is the tree inclined." When those responsible for the birth of children deprive their chil-

dren of their rights in these respects they are guilty of maiming the race. It is better to have no race than a race of mental, moral and physical cripples. When parents fail to do their duty in these respects society should become the guardian of the child and perform it for them. The law and its proper administration should see to it that every child has an equal opportunity to acquire that kind of education that will best fit it to become a self-supporting, self-respecting citizen. Make it certain that all children shall have equal opportunities in these respects, and in the course of time there will be in these United States a race of men and women capable of self-government. Men and women who govern themselves properly, who perform their duties to themselves intelligently, will so perform their civic duties. They will be able to erect a state in which there will be neither corruption nor incapacity—a state created and directed by men who stand for man from the conception of the child to his graduation into that larger life for which this life is a preparatory school. Children have rights. The people must be taught how to respect them.

CHILDREN SHOULD NOT BE CONFINED IN WORKSHOPS.

BY GEORGE WELSH WEBER, PUBLISHER WEBER'S
WEEKLY, CHICAGO.

The ninth plank of Public Policy's platform on labor problems is as follows:

"In the interests of the physical development of the

race, and of public education, childhood must be protected and the employment of children in commerce and manufactures should be carefully restricted; all night work for children and the employment of children who cannot read and write in the English language should be prohibited."

A CRIME AGAINST POSTERITY.

I am firmly convinced that female children should not be employed at strenuous, unremitting labor at all; that is to say, compelled to work during the formative period of the body. Protracted exhaustion of the body means, more or less, the retardation and perhaps imperfect development of the various bodily organs. The concentric rings of a cross-section of a tree show the depressing and healthful seasons that have occurred in the life of the tree. If it were possible to analyze the human body the same as the boll of the tree, it would be found that in the body was a complete record of the unwholesome and wholesome periods to which the person had been subjected during its formation. This means that the future mother is being dwarfed and distorted, and the generation that are wrapped, unbegotten, in her being, are being robbed, in advance, of their rightful inheritance of full physical manhood or womanhood. This is the sort of "race suicide" which modern industrialism is forcing hard and fast upon humanity. It is the common law, I believe, that a woman bearing an unborn child, cannot be confined in jail, the theory being that the child is a person. In China the age of a child

dates from the time of conception instead of the time of birth. The same ægis of protection that is thrown around the unborn child should be thrown about the child that is unbegotten, but which is likely to be begotten.

FEMALE CHILDREN SHOULD HAVE SPECIAL PROTECTION.

By this I do not mean to convey that female children should not work. They ought to work. They should be taught to work, but they should not be compelled to work under pressure to the point of physical exhaustion. And it is not always physical work which is most harmful to the growing female child. Too intense study, education beyond mental capacity, are as harmful, if not more harmful, than physical exertion carried to excess. The schools turn out annually a grist of fallow, undersized, astigmatic girls, who are unfitted to be women and who are incapable of being men. A law, uniform throughout the nation, should protect female children upon an entirely different theory than that upon which the protection of male children is formulated.

PROPER EDUCATION OF BOYS.

With boys the proposition is altogether different. No boy should be employed during his formative period at any work which will retard or distort his physical development. But the boy is essentially different from the girl. The first lesson he needs to learn is to subordinate the natural man—the wild animal—that is in him. He must be tamed. The first and most important requirement in the teaching of a boy is the recognition of properly constituted authority and the

habit of doing something—anything—and doing it in a thorough manner. When a boy I saw two men quarrel and fight because of a dispute as to which was the best shoveler. If a boy be a shoveler he must be taught to excel—to concentrate his best energies—in shoveling. Perhaps he may shovel his way out of shoveling. I am not impressed with the demand for higher, and higher, education of everybody. It is to inflict misfortune to overteach, overtrain, overwork any youth. To do so simply teaches the boy to be discontented with his environment and personal capability without giving him the power or the opportunity to lift himself out of it. The constitutions of many states provide that all children shall have a good “common school” education. It is impossible to see how reasonable persons can distort the words “common school” into “high school.” My own opinion is that the child should be educated in harmony with his probable occupation in his life. This would mean that along with the common branches of learning should be incorporated more or less of the manual arts. In the country something about farming should be taught. In the city more or less of the mechanical arts and commerce and with it all much more than now a conception of the obligations of the citizen of a free country. A good common school education should fit, and not unfit, a boy for the world. The whole world cannot live on the intellectual pursuits. In an interview Henry Ward Beecher once said to me: “Society has got to have a bottom.” All of these comments have a direct bearing upon the proposition

embraced in plank 9 of Public Policy's platform. I do not consider that the exclusion of boys from employment at gainful pursuits is, per se, an assurance that the boy will be benefited. The question arises, If he is excluded, what will he be doing? And, also, the further question: Would his proper employment at the gainful pursuit in question actually unfit him for those duties of life for which he is by nature and physically best adapted?

**PHYSICAL DEVELOPMENT AND EDUCATION MUST BE
PROTECTED.**

All of these considerations enter into a discussion of the propositions embraced in plank 9. I do not understand that anything I have advanced is in opposition to the underlying principles embodied in it. Broadly considered, the plank means that the physical development of the race, and its proper education, must be protected, and that wherever the employment of children in commerce and manufactures operates against it, the law should step in and rescue childhood.

THE OPEN SHOP.

EDITORIAL: THE WALL STREET JOURNAL.

President Samuel Gompers of the American Federation of Labor, in his statement addressed to the annual convention of the federation, deals interestingly with many matters affecting the interests of labor. While we may not agree with many things that he says, we must in fairness recognize his evident sin-

cerity and honesty of purpose, and we are constrained to express a warm sympathy with the cause represented by his federation. We have always believed in the principle of organization for labor, and while many of the practices of organized labor have represented a misapplication of the principle in which we believe, we must recognize the fact that, on the whole, organized labor has been a good thing for the workingman in the United States.

We purpose to refer to only one of the points discussed by Mr. Gompers in his annual report—namely, the question of the “open shop.” Mr. Gompers claims that organized labor has the right to make a collective bargain which shall have an exclusive feature, and insists that a union can properly make agreement with an employer whereby the employer contracts to employ no one but members of the union. He argues, in fact, that what organized labor calls the “union shop” in no sense “involves a denial of the right of every man to sell his labor as he may see fit, nor the employer to hire such labor; in fact, it is a confirmation of that right. Employers have the lawful right to hire any labor they may choose, but it does not give them the right to impress workmen or to enslave them or to drag them into a factory on any terms the employer may choose to grant as an expression of his kindness.”

Mr. Gompers is perfectly right. We have no quarrel whatever with this statement of the case. But the principle of freedom of contract is the foundation of the “union shop doctrine,” as Mr. Gompers states it,

and organized labor must absolutely concede in practice as well as in principle the right of an employer to hire non-union men at any and at all times if he so pleases, just as in cases where the rights of the community are not involved the employer concedes the right of union labor to strike. What is sauce for the goose is sauce for the gander, and the thing is as broad as it is long.

Union labor may rightly aim at closing the "shop" by making it to the advantage of employers to deal only with union men. By this we do not mean intimidation of the employer, but we mean the making of union labor legitimately more attractive, by reason of its greater efficiency, than non-union labor. If union labor, having done this, will keep the union open to all who wish to join it and obey its rules, no one has just cause for complaint. The thing that is repugnant to fair play and common sense on either side of the controversy is the establishment by force or otherwise of a monopoly. Exclusive dealing per se is not obnoxious to justice, but it may readily become so in practice.

The "shop" must always be "open," in the sense that every good workman must have his natural opportunity to work either inside the union and through the union, or outside it. If the "shop" is closed to non-union men, the union must be opened to every good man who wants to join it. If the union is closed, the "shop" must be open. That seems to us to be the fundamental principle in the whole matter, and we are glad to see that there is nothing in Mr. Gompers' statement that is contrary thereto.

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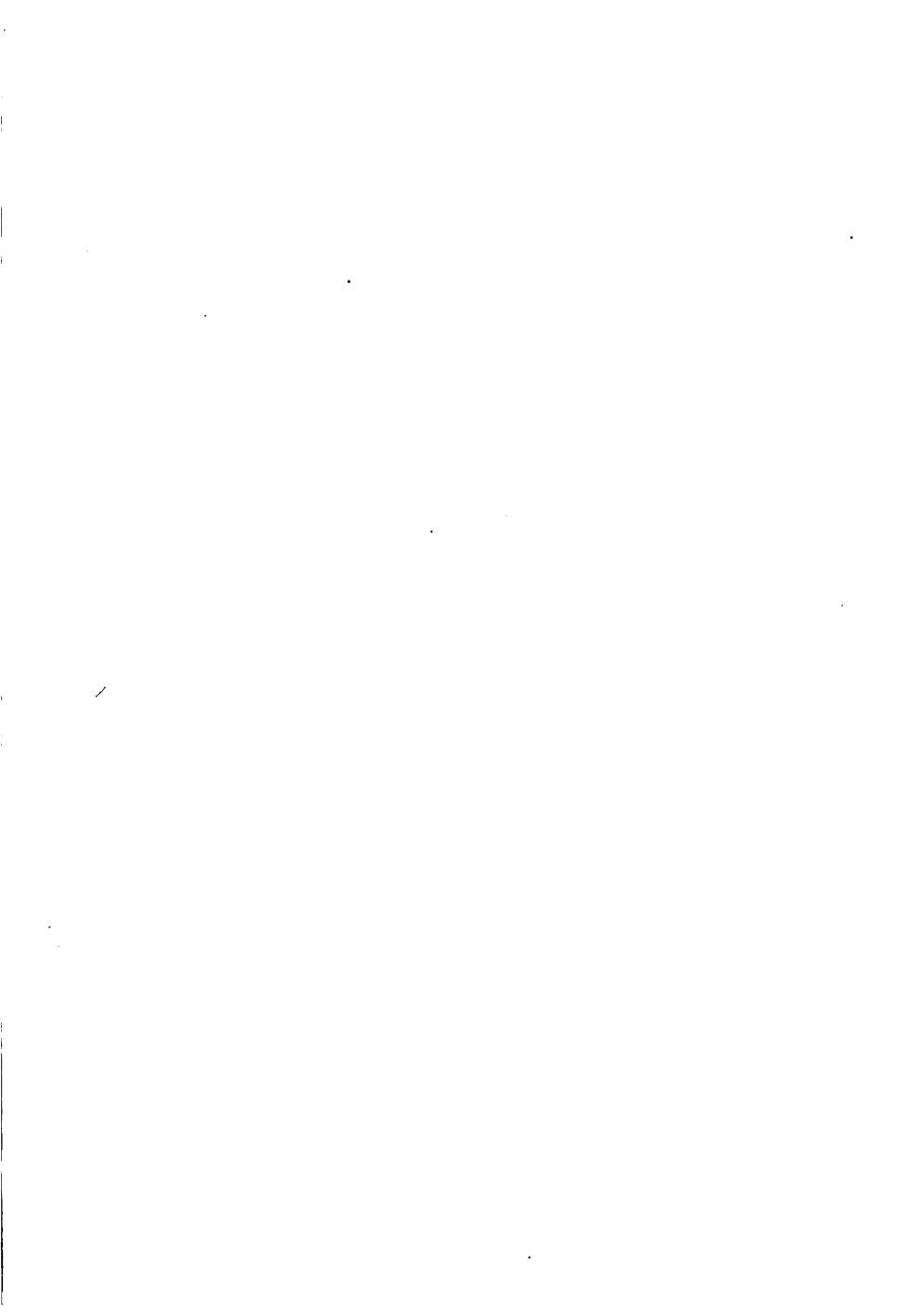
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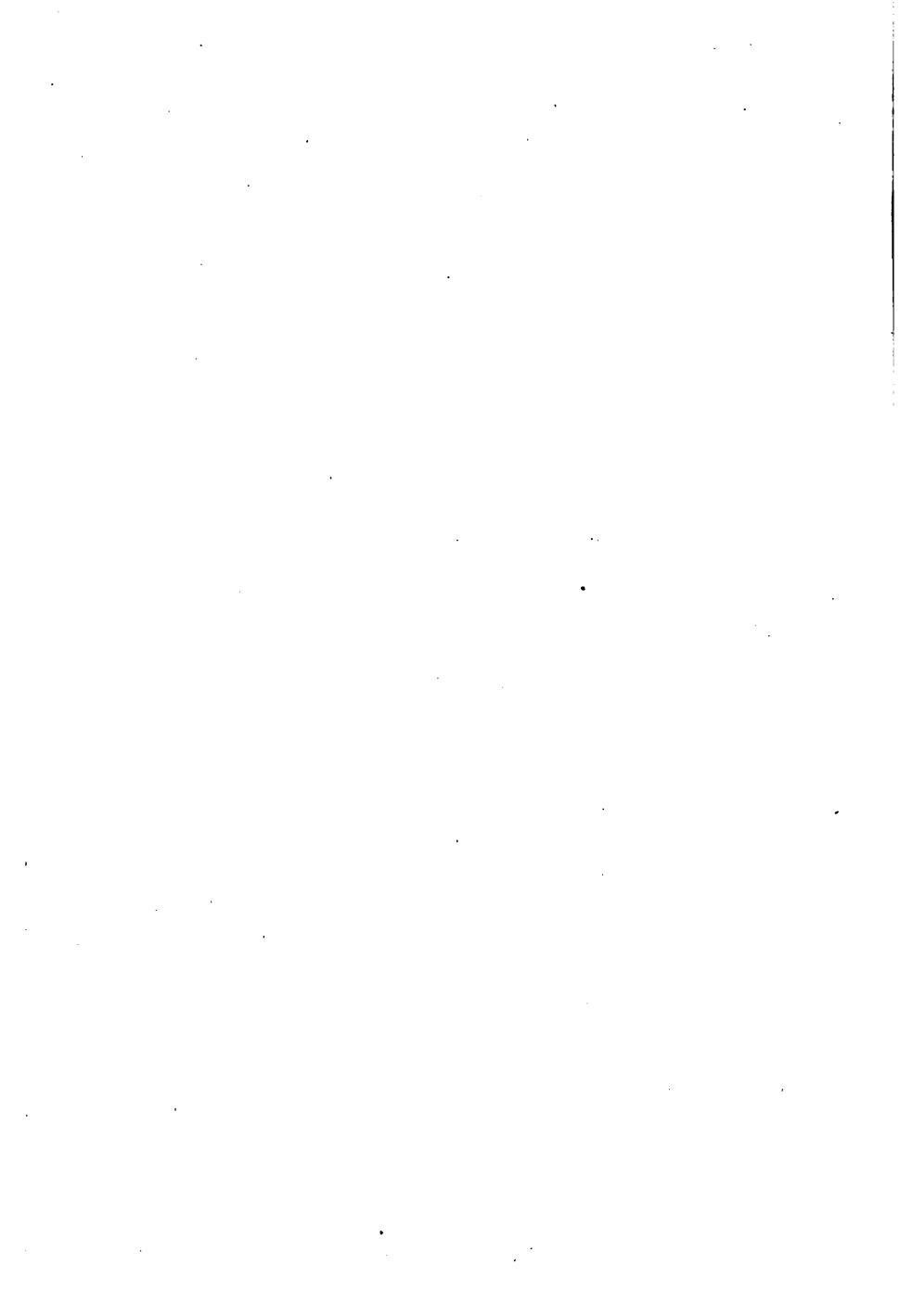
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